

AMERICAN GAMING ASSOCIATION

Responsible Gaming Statutes and Regulations

Third Edition



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KEY	
	= Racinos Only
⊕	= Commerical Casinos Only
⊕	= Both

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OVERVIEW OF STATUTES AND REGULATIONS*

	CO	DE	FL	IL	IN	IA	LA	ME	MI	MS	MO	NV	NJ	NM	NY	OK	PA	RI	SD	WV
800 Help Line			■	■	■	■	■		■			■	■				■			■
Advertising Restrictions							■	■					■		■					
Alcohol Service	■					■	■	■			■									
Credit Restrictions	■						■	■			■		■			■	■			
Employee Training			■	■		■	■	■		■		■		■	■	■	■			
Employee P.G. Prevention			■				■	■								■	■			
Loss Limit/Limited Stakes	■										■								■	
Marketing/Direct Mail							■	■			■									
Posters/Signage			■	■	■	■	■	■		■		■	■		■	■	■			■
Public Awareness			■	■			■		■							■	■			
Self-exclusion**			■	■	■		■	■	■	■	■	■	■		■		■			
Treatment Funding	■	■			■	■	■	■	■		■	■	■	■	■	■	■		■	

** Placement on a self-exclusion list may result in exclusion from credit access, complimentaries, check cashing, players club benefits and direct mail marketing.

■ = Statutory/regulatory language and implemented

*As of December 2007

Rules of Self-exclusion in States Where Applicable

- FL** Operators are required to maintain a database of persons who have been excluded from their facilities due to compulsive gambling.
- IL** Exclusion is permanent, but after five years from the time one is placed on the list, one may petition the Illinois Gaming Board for removal. Illinois self-exclusion restricts marketing/direct mail and credit issuance to those on the list.
- IN** Patrons may select a one-year, five-year, or life term of self-exclusion from state gaming areas. A member of the self-exclusion list must submit a request for removal in order to come off the list and cannot submit this request before the completion of his or her term.
- LA** No person placed on the self-exclusion list may request removal for a period of five years from the date the person is placed on the self-exclusion list.
- ME** Operators must establish a program that enables patrons to voluntarily exclude themselves from the facility
- MI** In Michigan, placement on the Disassociated Persons List lasts for life.
- MS** Self-exclusion is effective for a minimum period of five years, after which time the person may submit a written request to be removed from the list.
- MO** Placement on the Disassociated Persons List in Missouri is for life.
- NV** Gaming operators must establish a self-exclusion list with which patrons may self-limit their access to check cashing, credit issuance, and direct mail marketing.
- NJ** The self-exclusion application in New Jersey allows for an individual to choose one of three minimum self-exclusion periods: one year, five years or life. Except for those choosing a lifetime self-exclusion, any person may submit, in person a request for removal after the expiration of their self-exclusion period.
- NY** A person requesting self-exclusion in New York can apply for removal no sooner than one year after being placed on the self-exclusion list.
- PA** Individuals requesting self-exclusion in Pennsylvania may do so for periods lasting one year, five years or life. A lifetime self-exclusion prohibits the individual from requesting removal from the self-exclusion list.

INTRODUCTION

This booklet contains a compilation of statutes and regulations regarding responsible gaming in the 20 states that have commercial casinos or racetrack casinos, also known as “racinos”, as of February 2008. The content in each section is divided into seven general categories.

Alcohol Service

Credit/Cash Access

Funding/Revenue Sharing

(treatment funding)

Self-exclusion

Signage/Help Line/Advertising

Training/Education

*(employee training, employee problem gambling prevention,
public awareness)*

Miscellaneous

(loss limits/limited stakes, direct mail/marketing)

Since the material found in this publication is dynamic, the American Gaming Association (AGA) will revise this booklet periodically. For the latest statutory and regulatory information, visit the AGA Web site at www.americangaming.org.

The AGA has made every attempt to ensure the accuracy of this material at the time of publication. If you have any comments on the content, please call the AGA at 202-552-2675.

Credit/Cash Access

12-47.1-815. Extension of credit prohibited. No person licensed under this article may extend credit to another person for participation in limited card games and slot machines.

Miscellaneous

12-47.1-816. Maximum amount of bets. The amount of a bet made pursuant to this article shall not be more than five dollars on the initial bet or subsequent bet, subject to rules promulgated by the commission.

Funding/Revenue Sharing

SECTION 1. 12-47.1-1601 (1) (a) and (4) (a), Colorado Revised Statutes, are amended, and the said 12-47.1-1601 (4) is further amended by the addition of a new paragraph, to read:

12-47.1-1601. Local government limited gaming impact fund - repeal.

- (1) (a) There is hereby created in the office of the state treasurer the local government limited gaming impact fund, referred to in this part 16 as the “fund”, and within the fund, there is created the limited gaming impact account and the gambling addiction account. Of the moneys transferred to the fund pursuant to subsection (2) of this section, ninety-eight percent shall be allocated to the limited gaming impact account and two percent shall be allocated to the gambling addiction account. Moneys in the limited gaming impact account shall be used to provide financial assistance to designated local governments for documented gaming impacts, and moneys in the gambling addiction account shall be used to award grants for the provision of gambling addiction counseling, including prevention and education, to Colorado residents.
- (4) (a) After considering the recommendations of the local government limited gaming impact advisory committee created in section 12-47.1-1602, the moneys from the limited gaming impact account shall be distributed at the authority of the executive director of the department of local affairs to eligible local governmental entities upon their application for grants to finance planning, construction, and maintenance of public facilities and the provision of public services related to the documented gaming impacts. At the end of any fiscal year, all unexpended and unencumbered moneys in the limited gaming impact account shall remain available for expenditure in any subsequent fiscal year without further appropriation by the general assembly.
- (a.5) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the Executive Director of the department of human services shall use the moneys in the gambling addiction account to award grants for the purpose of providing gambling addiction counseling services to Colorado residents. The Department of Human Services may use a portion of the moneys in the gambling addiction account, not to exceed ten percent in the 2008-09 fiscal year and five percent in each fiscal year thereafter, to cover the department’s direct and indirect costs associated with administering the grant program authorized in this paragraph (a.5). Grants shall be awarded to state or local public or private entities or programs that provide gambling addiction counseling services and that have or are seeking nationally accredited gambling addiction counselors. For the 2008-09 through 2011-12 fiscal years, the Executive Director of the Department of Human Services shall award ten percent of the moneys in the gambling addiction account in grants to addiction counselors who are actively pursuing national accreditation as gambling addiction counselors. In order to qualify for an accreditation grant, an addiction counselor applicant shall provide sufficient proof that he or she has completed at least half of the counseling hours required for national accreditation. The Executive Director of the Department of Human

Services shall adopt rules establishing the procedure for applying for a grant from the gambling addiction account, the criteria for awarding grants and prioritizing applications, and any other provision necessary for the administration of the grant applications and awards. Neither the entity, program, or gambling addiction counselor providing the gambling addiction counseling services nor the recipients of the counseling services need to be located within the jurisdiction of an eligible local governmental entity in order to receive a grant or counseling services. At the end of any fiscal year, all unexpended and unencumbered moneys in the gambling addiction account shall remain in the account and shall not revert to the general fund or any other fund or account.

COLORADO REGULATIONS

Credit/Cash Access

47.1-106 Definitions.

The following definitions of terms, in addition to those set forth in section 12-47.1-103, C.R.S., shall apply to all rules and regulations promulgated pursuant to article 47.1 of title 12, of the Colorado Revised Statutes:

- (8.5)(a) “Credit” means allowing any person any length of time in which to make payment or otherwise honor a financial obligation, whether express or implied in any particular and includes lending of cash or cash equivalent.
- (b) Markers, promissory notes, IOWs or similar transactions or instruments constituting a memorandum of debt accepted for purposes of participating in limited gaming which are not checks are credit instruments.
- (c) “Credit” does not include:
 - (1) Transactions in the ordinary course of business which are both disclosed to the Division and approved by the Commission as authorized interests, pursuant to sections 12-47.1-808, 835, C.R.S, or regulations 47.1-308, 309, 310, 405, 420;
 - (2) Lawful transactions in the ordinary course of business in which licensees share resources with each other for business purposes and in which licensees have no ability to attempt to exert control over the affairs of other licensees; and
 - (3) Pre-paid magnetized strip cards used in lieu of cash, chips, or tokens

47.1-414 Player rules.

A retail licensee must post the following rules on the licensed areas:

- (3) No credit may be extended;

Alcohol Service

47.1-415 Visibly Intoxicated persons.

- (1) No licensee shall permit:
 - (a) Persons who are visibly intoxicated to participate in gaming activity; or
 - (b) Service of alcoholic beverages in the licensed premises to persons who are visibly intoxicated.
- (2) No person shall participate in a limited gaming activity when such person is intoxicated.



Funding/Revenue Sharing

CHAPTER 48 LOTTERIES

Subchapter I. State Lottery

§ 4815. State Lottery Fund

- (2) Proceeds returned to the State. — Of amounts remaining after all payments to players under paragraph (1) of this subsection, there shall be returned to the State:
- a. Twelve and one half percent of the average daily win (the amount remaining after all payments to players) not exceeding \$25,000;
 - b. Fifteen percent of the average daily win exceeding \$25,000 but not in excess of \$50,000;
 - c. Twenty percent of average daily win exceeding \$50,000 but not in excess of \$75,000;
 - d. Thirty percent of average daily win in excess of \$75,000; and
 - e. The funds on each credit slip that has not been presented for redemption within 1 year from the date the slip is issued.

The funds retained by the State Lottery shall be applied as follows: first, to the administrative costs and expenses in respect of the video lottery including, but not limited to, administrative expenses including payroll and other employment costs attributable to the operation of the video lottery by the State Lottery Office, law-enforcement and security expenses, including payroll and other employment costs of the State Lottery, the office of the Attorney General and the Delaware State Police, attributable to the operation by the State Lottery of a video lottery; second, \$1,000,000 or 1%, whichever is greater, of the proceeds distributed under (b)(2)a.–d. of this section, to the Division of Substance Abuse and Mental Health of the Department of Health and Social Services for funding programs for the treatment, education and assistance of compulsive gamblers and their families; third, costs of the Administrator of Racing and racing inspectors referenced in Chapters 100 and 101 of Title 3; and fourth, the remainder shall be paid into the State's General Fund.



There are currently no responsible gaming regulations in Delaware.



Training/Education

551.105.i.5: Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118

Signage/Help Line/Advertising

551.114.3: The division shall require the posting of signs warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

Training/Education and Signage / Help Line / Advertising

551.118: Compulsive or addictive gambling prevention program.

- (1) The slot machine licensee shall offer training to employees on responsible gaming and shall work with a compulsive or addictive gambling prevention program to recognize problem gaming situations and to implement responsible gaming programs and practices.

The division shall, subject to competitive bidding, contract for provision of services related to the prevention of compulsive and addictive gambling. The contract shall provide for an advertising program to encourage responsible gaming practices and to publicize a gambling telephone help line. Such advertisements must be made both publicly and inside the designated slot machine gaming areas of the licensee's facilities. The terms of any contract for the provision of such services shall include accountability standards that must be met by any private provider. The failure of any private provider to meet any material terms of the contract, including the accountability standards, shall constitute a breach of contract or grounds for nonrenewal. The division may consult with the Department of the Lottery in the development of the program and the development and analysis of any procurement for contractual services for the compulsive or addictive gambling prevention program.

Funding/Revenue Sharing

- (3) The compulsive or addictive gambling prevention program shall be funded from an annual nonrefundable regulatory fee of \$250,000 paid by the licensee to the division.

HISTORY. s. 1, ch. 2005-362.



Training/Education

61D-14.019 Compulsive or Addictive Gambling Prevention Program.

- (1) A slot machine licensee shall work with a compulsive or addictive gambling prevention program and provide training for its employees on responsible gaming in accordance with the requirements of Sections 551.104(4)(i)5, and 551.118(1), F.S. The compulsive gambling prevention program shall include, but is not limited to, the following elements:
 - (a) Identification of a program manager or other person responsible for ensuring that a program is implemented and administered by the slot machine licensee and monitored to maintain the minimum standards established by this rule;

- (b) Printed materials to educate patrons about compulsive gambling and inform them of local and statewide resources available to compulsive gamblers and their families. The materials can include signs and posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information. A plan shall also specify sources of the printed materials and proposed distribution methods;
 - (c) Completion of a log detailing employee names, dates, and training certifying that each employee required to obtain the training has done so within the time period specified by these regulations; and
 - (d) An annual follow-up training program to reinforce employee training.
- (2) The employee training program shall include training and materials on the following topics:
- (a) Characteristics and symptoms of compulsive gambling behavior;
 - (b) Identification of vulnerable populations, including women, low-income patrons, the elderly and persons who abuse drugs and alcohol;
 - (c) Techniques to be employed where a compulsive gambling problem is identified or suspected; and
 - (d) Assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.
- (3) Training shall be conducted within thirty (30) days of the employee's hire date. Certification of such training shall be maintained onsite.
- (4) The program shall provide for notification to compulsive or addictive gamblers of the availability to request voluntary exclusion from the slot machine licensee's facility.

SPECIFIC AUTHORITY 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), (i), 551.104(4)(i), 551.118(1) FS. History—New 7-30-06.

Self-exclusion

61D-14.020 Excluded Persons.

- (1) Each slot machine licensee shall maintain a database of persons:
- (a) Who the slot machine licensee has excluded from its facilities, including persons excluded as compulsive gamblers; and
 - (b) Persons that have been excluded by a final order of the division.
- (2) A slot machine licensee database of excluded patrons shall include the following information for each excluded person:
- (a) The full name and aliases, if known, of the person to be excluded;
 - (b) A description of the person's physical appearance, including height, weight, type, build, color of hair and eyes and other physical characteristics which would assist in the identification of the person;
 - (c) Date of birth;
 - (d) The date the person was excluded;
 - (e) If obtainable, a photograph, and the date of the photo or a photo taken by the eligible facility surveillance department; and
 - (f) A brief description of why the person has been excluded.

- (3) A slot machine licensee shall exclude or eject any person that has been placed in its exclusion database.
- (4) If the slot machine licensee withholds winnings from any excluded person, such withheld winnings shall be included in the slot machine licensee's revenues pursuant to subsection 61D-14.081(5), F.A.C.
- (5) Whenever an excluded person enters or attempts to enter, or is upon the premises of a slot machine licensee, the slot machine licensee's agents or employees shall immediately inform the security department. The security department shall:
 - a) Immediately notify the division or FDLE of the presence of the excluded person in any area of the gaming establishment;
 - b) Request such excluded person to not enter or if on the premises to immediately leave; and
 - c) Notify the appropriate law enforcement agency and the division if such excluded person fails to comply with the request of the licensee, its agents or employees.
- (6) Catering to a person excluded by a final order of the division is a violation of these rules.

SPECIFIC AUTHORITY 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i), 551.118 FS. History—New 6-25-06.

Signage/Help Line/Advertising

Riverboat Gambling Act - 230 ILCS 10/

Sec. 13.1. Compulsive gambling.

- (a) Each licensed owner shall post signs with a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, at the following locations in each facility at which gambling is conducted by the licensed owner:
 - (i) Each entrance and exit.
 - (ii) Near each credit location.

The signs shall be provided by the Department of Human Services.

- (b) Each licensed owner shall print a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, on all paper stock that the licensed owner provides to the general public.

(Source: P.A. 89-374, effective Jan. 1, 1996; 89-507, effective July 1, 1997.)

Miscellaneous

Alcoholism and Other Drug Abuse and Dependency Act - 20 ILCS 301/

Sec. 5-20. Compulsive gambling program.

- (a) Subject to appropriation, the Department shall establish a program for public education, research, and training regarding problem and compulsive gambling and the treatment and prevention of problem and compulsive gambling. Subject to specific appropriation for these stated purposes, the program must include all of the following:
 - (1) Establishment and maintenance of a toll-free “800” telephone number to provide crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling.
 - (2) Promotion of public awareness regarding the recognition and prevention of problem and compulsive gambling.
 - (3) Facilitation, through in-service training and other means, of the availability of effective assistance programs for problem and compulsive gamblers.
 - (4) Conducting studies to identify adults and juveniles in this State who are, or who are at risk of becoming, problem or compulsive gamblers.
- (b) Subject to appropriation, the Department shall either establish and maintain the program or contract with a private or public entity for the establishment and maintenance of the program. Subject to appropriation, either the Department or the private or public entity shall implement the toll-free telephone number, promote public awareness, and conduct in-service training concerning problem and compulsive gambling.
- (c) Subject to appropriation, the Department shall produce and supply the signs specified in Section 10.7 of the Illinois Lottery Law, Section 34.1 of the Illinois Horse Racing Act of 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1 of the Charitable Games Act, and Section 13.1 of the Riverboat Gambling Act.

(Source: P.A. 89-374, effective Jan. 1, 1996; 89-626, effective Aug. 9, 1996)

Self-exclusion

Title 86: Revenue

Chapter IV: Illinois Gaming Board

Part 3000: Riverboat Gambling

Subpart G: Exclusion of Persons

Section 3000.745 Voluntary Self-Exclusion Policy

The Board shall provide a procedure whereby a person who acknowledges that he or she has a gambling problem may self-identify and self-exclude himself or herself from the area within the admission turnstiles of Illinois riverboat gaming operations. The procedure shall require self-excluded persons to agree not to enter the area within the admission turnstiles of any riverboat gaming operations and agree to be removed voluntarily from all mailing, marketing and promotional lists and databases.

(Source: Added at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.750 Establishment of a Self-Exclusion List

- (a) Any person who acknowledges that he or she has a gambling problem may request of the Board that he or she be excluded voluntarily from the area within the admission turnstiles of all riverboat gaming operations in Illinois on a permanent basis, except as limited by Section 3000.780. A person shall be placed on the Self-Exclusion List upon submission of all information and completion and execution of all forms required under Section 3000.755, as enforced by the Administrator.
- (b) Any person placed on the Self-Exclusion List shall be prohibited for a minimum of 5 years from entering the area within the admission turnstiles of any riverboat gaming operation in the State of Illinois. Any gaming operation in the United States owned or operated by an affiliate of an Illinois riverboat gaming operation may, in its sole discretion, prohibit a person placed on the Self-Exclusion List from entering its affiliated gaming operations. Any gaming regulatory agency in any state with which the Board enters into an agreement to share confidentially the information contained in the Self-Exclusion List may, in its sole discretion, prohibit a person placed on the Self-Exclusion List from entering any gaming operation within its jurisdiction.
- (c) The Administrator shall maintain the Self-Exclusion List in a confidential manner.

(Source: Added at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.751 Locations To Execute Self-Exclusion Forms

Any person may seek placement on the Self-Exclusion List by contacting any agent of the Board on any riverboat gaming operation at any time when gaming is conducted, appearing at the offices of the Board in Chicago or Springfield, Illinois during regular business hours, or appearing before a designated registration agent. Persons who are unable to travel to a Board office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Administrator. Nothing in this Section shall require that an accommodation be granted.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002.)

Section 3000.755 Information Required for Placement on the Self-Exclusion List

- (a) The Administrator shall determine the information and forms to be required of a person seeking placement on the Self-Exclusion List. Such information shall include, but not be limited to, the following:
 - (1) Full name, including maiden name and alias information;
 - (2) Home Street Address and/or P.O. Box;
 - (3) Date of Birth;
 - (4) Social Security Number;
 - (5) A copy of his or her driver's license;
 - (6) A physical description; and
 - (7) A current photograph.
- (b) Failure to provide any information or to execute any forms deemed necessary by the Administrator may result in a denial of a request for placement on the Self-Exclusion List.
- (c) Such forms may include a request to waive the liability of the Board, its agents and the State of Illinois for any damages that may arise out of any act or omission related to placement on the Self-Exclusion List.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002.)

Section 3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion

- (a) A person seeking placement on the Self-Exclusion List shall, at the time of the request to be placed on the List, agree in writing that he or she will:
 - (1) Not enter the area within the admission turnstiles of any riverboat gaming operation in the State of Illinois; and
 - (2) Forfeit all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play or in plain view in the possession or control of the self-excluded person, at the time he or she is apprehended, as a sanction for entering the area within the admission turnstiles of a riverboat gaming operation after voluntary placement on the Self-Exclusion List.
- (b) A person shall designate, at the time of his or her request for placement on the Self-Exclusion List, the duly registered charitable or governmental agency on a list of gambling support service and/or treatment providers approved by the Department of Human Services that shall receive a donation of assets forfeited by the person as provided by this Section, if the self-excluded person enters the area within the admission turnstiles of a riverboat gaming operation.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.760 Distribution and Availability of Confidential Self-Exclusion List

- (a) The Board shall maintain and keep current the Self-Exclusion List. The List shall be updated and distributed in its entirety to each riverboat casino on a regular basis.
- (b) Upon placement on the Self-Exclusion List by the Administrator, the name and identifying information of the self-excluded person shall be distributed to each riverboat gaming operation.
- (c) No riverboat gaming operation may disclose the name of any person on the Self-Exclusion List to any

third party unless specifically authorized by this Part or required by a court order specifically requiring the release of mental health records and information.

- (d) No owner licensee, occupational licensee or applicant or approved Key Person or Key Person applicant who obtains identifying information about a person on the Self-Exclusion List from any source may disclose the name or identifying information of the self-excluded person, except as necessary to effectuate, or as specifically permitted by, this Part.
- (e) Any licensee or applicant for license and any approved Key Person or Key Person applicant who knowingly discloses, authorizes disclosure, permits a disclosure, or otherwise assists in the disclosure of the identity of a person on the Self-Exclusion List shall be subject to discipline for each disclosure, including but not limited to any disclosure by any of its officers, directors, employees, attorneys, agents and contractors, unless the disclosure complies with the following provisions:
 - (1) The disclosure is made on the same need to know basis restriction applicable to mental health information to staff for the sole purpose of effectuating the approved Internal Control responsibilities.
 - (2) The disclosure is made for the sole purpose of effectuating the Self-Exclusion program and this Part as to any customer tracking system, customer identification system, chips and token exchange system, financial transactions, or check and credit system.
 - (3) The disclosure is made in compliance with the approved Internal Controls.
- (f) Disclosure may be made to affiliate gaming operations with the prior written approval of the Administrator. A licensee seeking such approval must provide to the Administrator an explanation of the manner in which the identity of the self-excluded persons will be maintained confidentially by the affiliate gaming operations.
- (g) Nothing in this Section prohibits disclosure of the name of a person on the Self-Exclusion List to the Board or its staff or to a person authorized in writing by the self-excluded person on the Self-Exclusion List to receive such information.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002.)

Section 3000.770 Duties of Owner Licensees

- (a) No licensee shall knowingly allow any person placed on the Self-Exclusion List pursuant to Section 3000.750 to enter the area within the admission turnstiles of, or engage in gambling at, the riverboat gaming operation. The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all mailing, marketing or promotional lists or databases, except as provided in this Part. No licensee shall knowingly send marketing or promotional materials to any person placed on the Self-Exclusion List.
- (b) Owner licensees shall maintain, pursuant to Section 3000.760, a system designed to detect persons on the Self-Exclusion List so as to enforce this Part.
- (c) Forfeiture
 - (1) A licensee must immediately notify a Board agent upon making a determination that a person listed on the Self-Exclusion List has entered the area within the admission turnstiles of a riverboat gaming operation and remove the person from the riverboat gaming operation.
 - (2) Upon ascertaining that a person on the Self-Exclusion List is present in the area within the admission turnstiles of a riverboat gaming operation, a licensee must inventory, in the presence of an IGB agent, all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play or in plain view in the possession or control of the self-excluded

person, at the time he or she is apprehended. The owner licensee shall provide a receipt to the self-excluded person for all items inventoried.

- (3) Owner licensees shall refrain from knowingly paying out jackpots under \$1,200 and from paying out all jackpots in amounts of \$1,200 or over won by patrons on the Self-Exclusion List.
- (d) The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all check-cashing, credit issuance, and other financial eligibility lists or databases utilized by the riverboat gaming operation for any purposes, except as authorized by this Part. Owner licensees shall not knowingly cash checks for, extend gaming operation credit to, or otherwise assist a person on the Self-Exclusion List to obtain funds for gambling purposes.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.780 Request for Removal from the Self-Exclusion List

- (a) Upon the expiration of 5 years from the date of placement on the Self-Exclusion List, any person who has been placed on the Self-Exclusion List may request the Administrator to remove his or her name from the Self-Exclusion List. The request must be in writing, state with specificity the reason for the request and be submitted to the Administrator at the Board's Chicago office. The request must be based on the elimination of a mental health or medical condition underlying the person's acknowledgment that he or she has been a problem gambler and unable to gamble responsibly. Information as to mental health or medical conditions will be maintained pursuant to the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and other applicable federal and State laws.
- (b) If the Administrator approves the request, the Administrator shall inform all riverboat gaming operations of the removal no later than 10 days after approval. If the Administrator denies the request, the Administrator shall send to the person who has requested removal a Notice of Denial of Removal from the Self-Exclusion List by certified mail. Owner licensees may continue to deny gambling privileges to self-excluded persons who have been removed from the List.
- (c) A decision whether to remove a person from the Self-Exclusion List shall be within the discretion of the Administrator, subject to the fulfillment of all requirements under Section 3000.782 and further subject to the process provided by Section 3000.785.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.782 Required Information, Recommendations, Forms and Interviews

- (a) A person requesting removal from the Self-Exclusion List must, in connection with the request, provide the Administrator with all of the following:
 - (1) Documentation as to treatment received for the person's gambling problem, length of treatment, and names and qualifications of treatment providers.
 - (2) A written recommendation, from a treating physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling. For purposes of this Subpart, "certified gambling counselor" means an individual who has completed a specific course of study in the treatment of problem gambling and has been certified by a certification organization acceptable to the Board and listed on the Board's website.

- (3) Upon request of the Administrator, a written recommendation, from a second or subsequent physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling.
 - (4) All information required under Section 3000.755(a).
 - (5) A statement informing the Administrator whether the person has been present at any riverboat gaming operations while on the Self-Exclusion List and, if so, the names of the riverboat operations at which the person was present and dates and times of attendance.
 - (6) A waiver of liability of the Board, its agents and the State of Illinois for any damages that may arise out of any act or omission committed by the person as a consequence of his or her removal from the Self-Exclusion List, including any monetary or other damages sustained in connection with the person's renewal of any gaming activities.
 - (7) A verified, written consent to the release of all of the person's medical and counseling records related to the proposed removal from the Self-Exclusion List.
 - (8) Any additional information, forms, recommendations, or other materials necessary, as determined by the Administrator, to demonstrate the elimination of the mental health or medical condition underlying the person's acknowledgement that he or she has been a problem gambler and unable to gamble responsibly.
- (b) Upon request of the Administrator, a person seeking removal from the Self-Exclusion List shall appear for an interview at an office of the Board designated by the Administrator during regular business hours. Persons who are unable to travel to a Board office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Administrator. Nothing in this Section shall require that an accommodation be granted.
 - (c) The Administrator shall ascertain to the extent possible whether a person requesting removal from the Self-Exclusion List was ever present in the area within the admission turnstiles of a riverboat gaming operation while on the list.
 - (d) The Administrator shall not rule on a request for removal from the Self-Exclusion List until all requirements of this Section have been fulfilled.

(Source: Added at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.785 Appeal of a Notice of Denial of Removal

- (a) A denial by the Administrator of a request by a self-excluded person to be removed from the Self-Exclusion List pursuant to Section 3000.780 shall be subject to review by the Board upon a verified written petition submitted to the Board within 10 days after the issuance of the Notice of Denial of Removal.
- (b) The petition shall state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the Self-Exclusion List. The petition shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters in the petition stated to be on information and belief. As to matters stated to be on information and belief, the undersigned certifies that he or she believes these matters to be true and correct.

- (c) The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition if:
 - (1) The petition fails to comply with any of the requirements of subsection (a) or (b) of this Section;
 - (2) The facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a previous petition filed under this Section; or
 - (3) The petition, assuming all facts contained in it are true and correct, does not establish a prima facie case.
- (d) In the event the Board elects to set the petition for hearing, the procedures specified in Subpart D of this Part, with the exception of Section 3000.405(a), (b), (c) and (d), shall apply.
- (e) For purposes of hearings conducted under this Section, all information, recommendations, forms, records of interviews and other materials, formal and informal, obtained by the Administrator in accordance with Section 3000.782 shall be considered official Gaming Board records under Section 3000.430 and therefore admissible into evidence.
- (f) All proceedings related to an administrative hearing on a Notice of Denial of Removal shall be closed to members of the public unless otherwise consented to in writing by the self-excluded person or allowed by federal or State law.
- (g) The Board's denial of a petition brought under this Section is a final decision of the Board. Judicial review of the final order of the Board shall be conducted under the Administrative Review Law [735 ILCS 5/Art. III], in accordance with Section 17.1(b) of the Riverboat Gambling Act [230 ILCS 10/17.1(b)].

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002; amended at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.786 Duties of Owner Licensees to Persons Removed from the Self-Exclusion List

- (a) Each owner and manager licensee shall establish its own policies and procedures for allowing or disallowing any person removed from the Self-Exclusion List to enter or game on its riverboat gaming operation subsequent to the person's removal from the Self-Exclusion List. The policies and procedures of owner and manager licensees developed in compliance with this Section shall not be subject to appeal under this Part.
- (b) Nothing in this Part shall require any licensee under the Act to provide assistance to a person removed from the Self-Exclusion List.

(Source: Added at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.787 Placement on the Self-Exclusion List Following Removal

A person whose name has been removed from the Self-Exclusion List may subsequently request to be placed again on the list. The procedure for placement on the Self-Exclusion List under this Section shall be the same as that for a person requesting placement on the list for the first time. A placement of a person on the Self-Exclusion List under this Section shall be permanent, notwithstanding any other provision of this Subpart.

(Source: Added at 31 Ill. Reg. 8098, effective June 14, 2007)

Section 3000.790 Duties of the Board

The Board shall assist a person who acknowledges that he or she has, or has had, a gambling problem as provided in this Part. The Administrator shall provide to a person seeking placement on, or removal from, the Self-Exclusion List pertinent information about the Illinois Department of Human Services, including any information about problem gambling and post-treatment assistance, deemed appropriate for distribution by the Department of Human Services. The Administrator may refer any inquiries for assessment, evaluation, treatment or post-treatment assistance from a person seeking to be placed on, or removed from, the Self-Exclusion List to the Department of Human Services or another appropriate source of information.

(Source: Added at 26 Ill. Reg. 9307, effective June 14, 2002; amended at 31 Ill. Reg. 8098, effective June 14, 2007.)

Self-exclusion

IC 4-33-4-3, Rules; violations; fees and taxes; inspectors; voluntary exclusion program Sec. 3.

(a) The commission shall do the following:

- (9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).

(c) Rules adopted under subsection (a)(9) must provide the following:

- (1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.
- (2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.
- (3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for re-admittance to a facility under the jurisdiction of the commission.
- (4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.
- (5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.
- (6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.39; P.L.27-1997, SEC.2; P.L.273-1999, SEC.40; P.L.14-2000, SEC.13; P.L.92-2003, SEC.12; P.L.143-2003, SEC.1; P.L.37-2004, SEC.1; P.L.170-2005, SEC.3.

IC 4-33-4-7, Ejection or expulsion from facilities Sec. 7.

(a) The commission may eject or exclude or authorize the ejection or exclusion of a person from riverboat gambling facilities if:

- (1) The person's name is on the list of persons voluntarily excluding themselves from all riverboats in a program established under the rules of the commission;

(b) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a hearing on the person's ejection or exclusion under this section.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.143-2003, SEC.2.

Signage/Help Line/Advertising

IC 4-33-4-21.2, Display and maintenance of toll free telephone number

Sec. 21.2.

- (a) The Indiana gaming commission shall require a licensed owner or an operating agent to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:
 - (1) On each admission ticket to a riverboat if tickets are issued.
 - (2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.
- (b) The toll free telephone line described in IC 4-33-12-6 must be:
 - (1) Maintained by the division of mental health and addiction under IC 12-23-1-6; and
 - (2) Funded by the addiction services fund established by IC 12-23-2-2.
- (c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

As added by P.L.54-1995, SEC.1. Amended by P.L.215-2001, SEC.5; P.L.192-2002(ss), SEC.11; P.L.92-2003, SEC.24.

Funding/Revenue Sharing

IC 4-35-8.8

Chapter 8.8. Problem Gambling Fees

IC 4-35-8.8-1

“Division”

Sec. 1. As used in this chapter, “division” refers to the division of mental health and addiction.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.8-2

Problem gaming fee imposed

Sec. 2. A licensee that offers slot machine wagering at racetracks under this article shall annually pay to the division a problem gambling fee equal to five hundred thousand dollars (\$500,000) for each racetrack at which the licensee offers slot machine wagering.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.8-3

Use of problem gaming fees

Sec. 3. The division may use problem gambling fees paid to the division under this chapter only for the prevention and treatment of compulsive gambling that is related to slot machine wagering and other gambling allowed under IC 4-33.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.8-4**Problem gaming fees are in addition to riverboat admissions taxes used by the division for the prevention and treatment of compulsive gambling**

Sec. 4. The problem gambling fees used by the division under this chapter for the prevention and treatment of compulsive gambling are in addition to any admissions tax revenue allocated by the division under IC 4-33-12-6 for the prevention and treatment of compulsive gambling.

*Funding/Revenue Sharing***IC 4-33-12-6, Disposition of tax revenue**

- (a) The department shall place in the state general fund the tax revenue collected under this chapter.
- (b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:
 - (5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licenseder for each person:
 - (a) Embarking on a gambling excursion during the quarter; or
 - (b) Admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.
 - (d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:
 - (6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:
 - (a) Embarking on a gambling excursion during the quarter; or
 - (b) Admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.
 - (g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):
 - (1) Is annually appropriated to the division of mental health and addiction;
 - (2) Shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and
 - (3) Shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.10; P.L.54-1995, SEC.2; P.L.90-1997, SEC.2; P.L.151-2001, SEC.1; P.L.215-2001, SEC.6; P.L.178-2002, SEC.2; P.L.192-2002(ss), SEC.23; P.L.1-2003, SEC.10; P.L.92-2003, SEC.53; P.L.4-2005, SEC.23; P.L.233-2007, SEC.16.

IC 12-23-2-7, Administrative costs associated with use of money from fund; limitation; reimbursing Indiana gaming commission

Sec. 7.

- (a) For each state fiscal year, the division may not spend more than an amount equal to five percent (5%) of the total amount received by the division from the fund established under section 2 of this chapter for the administrative costs associated with the use of money received from the fund.
- (b) The division shall allocate at least twenty-five percent (25%) of the funds derived from the riverboat admissions tax under IC 4-33-12-6 to the prevention and treatment of compulsive gambling.
- (c) The division shall reimburse the Indiana gaming commission for the costs incurred in administering a voluntary exclusion program established under the rules of the Indiana gaming commission. The division shall pay the reimbursement from funds derived from the riverboat admissions tax under IC 4-33-12-6.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.39; P.L.54-1995, SEC.7; P.L.143-2003, SEC.4

♣ INDIANA REGULATIONS

Indiana Administrative Code

Title 68 Indiana Gaming Commission

Self-exclusion

Rule 3. Voluntary Exclusion Program

68 IAC 6-3-1 General provisions

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 1.

- (a) This rule applies to riverboat licensees, riverboat license applicants, operating agents, operating agent applicants, owners of facilities under the jurisdiction of the commission, and all persons on riverboats where gambling operations are conducted.
- (b) The following definitions apply throughout this rule:
 - (1) "Request for removal" means a request submitted by a voluntarily excluded individual stating that the individual wishes to be removed from the voluntary exclusion list.
 - (2) "Request for voluntary exclusion" means a request completed by an individual for placement on the voluntary exclusion list.
 - (3) "Voluntarily excluded person" means a person who has successfully completed the procedures outlined in this rule to effectuate his or her own exclusion from the gaming areas of facilities under the jurisdiction of the commission.
 - (4) "Voluntary exclusion list" means a list of names of persons and necessary identifying information of individuals who have elected to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission.
- (c) Nothing in this rule shall prohibit anyone on the voluntary exclusion list from accessing the gaming areas of a facility under the jurisdiction of the commission for the purpose of carrying out the duties

of their employment. An individual who is on the voluntary exclusion list who is hired by a facility under the jurisdiction of the commission must notify the commission office in Indianapolis prior to starting the job. The individual must provide the following information:

- (1) Name.
- (2) Date of birth.
- (3) Name of the facility with which the voluntarily excluded individual will be employed.
- (d) Nothing in this rule shall prohibit a riverboat licensee or operating agent from following the procedures outlined in 68 IAC 6-2 to evict a voluntarily excluded person.

(Indiana Gaming Commission; 68 IAC 6-3-1; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440)

68 IAC 6-3-2 Request for placement on the voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 2.

- (a) Except as provided in section 1(c) of this rule, a person who participates in the voluntary exclusion program agrees to refrain from entering a gaming area under the jurisdiction of the commission.
- (b) Any person may make a request to have his or her name placed on the voluntary exclusion list by following the procedures set forth in this section. The request may be made only by the individual and not by any other person. An individual must not be under the influence of alcohol or drugs at the time he or she makes a request for placement on the voluntary exclusion list.
- (c) Any person requesting placement on the voluntary exclusion list must submit a completed request for voluntary exclusion as outlined in subsection (d). The individual must appear in person at a commission office or another location designated by the executive director to complete the request for voluntary exclusion. Commission offices are located on the property of each facility under the jurisdiction of the commission in addition to an office located in Indianapolis that is not located on the property of a facility under the jurisdiction of the commission.
- (d) A request for voluntary exclusion must be on a form prescribed by the commission and shall include the following information:
 - (1) Identifying information, including, but not limited to, the following:
 - (a) Name, including any aliases or nicknames.
 - (b) Date of birth.
 - (c) Current residential address.
 - (d) Current telephone number.
 - (e) Social Security number.
 - (f) A physical description, including the following:
 - (i) Height.
 - (ii) Weight.
 - (iii) Gender.
 - (iv) Hair color.
 - (v) Eye color.
 - (vi) Any other physical characteristic that may assist in the identification of the person.

- (g) A photograph of the individual that will be taken by enforcement agents at the time the request for voluntary exclusion is submitted.
 - (h) Driver's license number.
 - (i) Any other information deemed necessary by the commission.
- (2) As part of the request for voluntary exclusion, a person must elect the time period for which he or she wishes to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:
- (a) One (1) year.
 - (b) Five (5) years.
 - (c) Lifetime.

After an individual's request for voluntary exclusion has been processed by the commission staff and the individual's name is added to the voluntary exclusion list, that individual may not apply to decrease the length of exclusion. A voluntarily excluded individual who elected to participate in the program for a period of one (1) year or five (5) years may resubmit a request for voluntary exclusion at any time to increase the minimum length of exclusion. An individual who has been voluntarily excluded for a period of one (1) year or five (5) years will continue to appear on the list after the expiration of that time period until such time as he or she completes a request for removal under section 5 of this rule.

- (3) The form shall also include a waiver and release, which shall release and forever discharge the state, the commission, and its employees and agents from any liability to the person requesting placement on the voluntary exclusion list and his or her heirs, administrators, executors, and assigns for any harm, monetary or otherwise, that may arise out of or by reason of any act or omission relating to the request for placement on the voluntary exclusion list or request for removal from the voluntary exclusion list including the following:
- (a) The list's processing or enforcement.
 - (b) The failure of a riverboat licensee or operating agent to withhold:
 - (i) Direct marketing;
 - (ii) Check cashing; or
 - (iii) Extension of credit; to a voluntarily excluded individual.
 - (c) Disclosure of information contained in the voluntary exclusion request or list, except for willfully unlawful disclosure of such information to persons other than entities under the jurisdiction of the commission.
 - (d) The dissemination of confidential information contained on the exclusion list by facilities under the jurisdiction of the commission to any party not authorized to receive the information.
- (4) The form must also contain the signature of the person submitting the request for voluntary exclusion indicating acknowledgement of the following statement:
- "I am voluntarily requesting exclusion from the gaming areas at all facilities under the jurisdiction of the Indiana Gaming Commission. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included in this request for placement on the voluntary exclusion list. I am aware that my signature below authorizes the commission to direct all Indiana riverboat licensees and operating agents to restrict my gaming activities in accordance with this request. If I have requested to be excluded for life, I am aware that I will be unable to cause

my name to be removed from the voluntary exclusion list. If I have elected to be placed on the list for a period of one (1) or five (5) years, I am aware that I will remain on the list until such time as the commission removes my name from the voluntary exclusion list in response to my written request certifying that I do not suffer from a gambling problem. I am aware and agree that during any period of exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all gaming facilities under the jurisdiction of the commission. I understand that any money or thing of value obtained by me from, or owed to me by, a riverboat licensee or operating agent as a result of wagers made by me while on the voluntary exclusion list shall be subject to forfeiture.”

- (5) The form will also contain as an attachment a copy of the identification credentials or driver’s license examined by an enforcement agent at the time the request for voluntary exclusion is made, containing the signature of the person requesting placement on the voluntary exclusion list.
 - (6) The signature of an enforcement agent, employee, or other person authorized by the executive director to accept the request for voluntary exclusion, indicating that the signature, physical description, and identity of the person on the request for voluntary exclusion agrees with the identification provided by that individual.
- (e) The personal information of a person who participates in the voluntary exclusion program is confidential. An individual who elects to participate in the program must agree that in order to enforce the voluntary exclusion program, facilities under the jurisdiction of the commission must have access to the individual’s personal information. Before placement on the voluntary exclusion list, an individual shall authorize the commission staff to provide the following necessary identifying information to the facilities under the jurisdiction of the commission on his or her behalf and for purposes of enforcement:
- (1) Name, including any aliases or nicknames.
 - (2) Date of birth.
 - (3) Current residential address.
 - (4) Current telephone number.
 - (5) A physical description, including the following:
 - (a) Height.
 - (b) Weight.
 - (c) Gender.
 - (d) Hair color.
 - (e) Eye color.
 - (f) Any other physical characteristic that may assist in the identification of the person.
 - (6) A photograph of the individual that will be taken by enforcement agents at the time of voluntary exclusion.
 - (7) Driver’s license number.
- (f) A voluntarily excluded individual shall have the following ongoing obligations regarding the voluntary exclusion list:
- (1) Refrain from entering the gaming areas of riverboats and other facilities under the jurisdiction of the commission until such time as a request for removal has been processed by the commission.
 - (2) Each time the personal information of a voluntarily excluded individual changes, he or she must provide the commission with the updated information.

- (3) Notify the commission if direct mailing items are received addressed to a voluntarily excluded person at his or her residence.
- (g) A voluntarily excluded individual who violates the terms of the voluntary exclusion list and enters the gaming area of a facility under the jurisdiction of the commission agrees to forfeit any jackpot or thing of value won as a result of a wager made at a facility under the jurisdiction of the commission. The forfeited jackpots or items will be withheld by the riverboat licensee or operating agent and remitted to the commission. The commission shall collect such items and funds as a fine levied against the voluntarily excluded individual for violating this rule. Voluntarily excluded individuals may appeal a forfeiture under this rule by following the procedures outlined in 68 IAC 7.
- (h) Voluntarily excluded individuals agree to forfeit all points or complimentaries earned by the individual on or before the individual completes his or her request for placement on the voluntary exclusion list. Points or complimentaries refer to credits earned by a person under the terms of a riverboat licensee's or operating agent's marketing program as approved by the commission and shall include, but not be limited to:
- (1) Food coupons;
 - (2) Coupons or vouchers for chips or tokens;
 - (3) Hotel complimentaries; or
 - (4) Any other such noncash benefit owing to the individual.

However, if at the time an individual makes a request for placement on the voluntary exclusion list he or she is owed a cash amount from a riverboat licensee or operating agent, the individual shall have the right to receive that amount from the riverboat licensee or operating agent after placement on the voluntary exclusion list. To the extent that complimentaries or points described above may be redeemed for cash under the riverboat licensee's or operating agent's marketing program, the individual shall be entitled to receive that amount.

- (i) Nothing in this rule shall prohibit a riverboat licensee or operating agent from alerting local law enforcement authorities of a voluntarily excluded person's presence in a facility under the jurisdiction of the commission to effect an arrest for trespassing.

(Indiana Gaming Commission; 68 IAC 6-3-2; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2440; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

68 IAC 6-3-3 Voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 3.

- (a) The executive director or his or her designee shall maintain the voluntary exclusion list, which shall contain the names and personal information of the persons participating in the program. Such persons shall be excluded from gaming areas at all facilities under the jurisdiction of the commission. The executive director or his or her designee shall notify each riverboat licensee or operating agent of each facility under the jurisdiction of the commission of each addition to the list or deletion from the list in a timely manner.
- (b) The voluntary exclusion list is confidential and may be disseminated only to a riverboat licensee or operating agent for purposes of enforcement or to any other entity designated by statute.

(Indiana Gaming Commission; 68 IAC 6-3-3; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442; errata filed Jul 9, 2004, 2:21 p.m.: 27 IR 3580)

68 IAC 6-3-4 Rights and duties of riverboat licensees and operating agents**Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3****Affected: IC 4-33****Sec. 4.**

- (a) Each riverboat licensee, riverboat license applicant, operating agent, and operating agent applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved by the commission under 68 IAC 11-1-3.
- (b) The internal controls must, at a minimum, address the following:
 - (1) Procedures must provide a plan for distributing the list of persons who have voluntarily excluded and their personal information to appropriate personnel of the facility for purposes of enforcing the program. The plan must allow, to a reasonable extent, appropriate employees of a riverboat licensee or operating agent to identify a voluntarily excluded person when that person is present in a casino or other facility under the jurisdiction of the commission. Such information shall not be released to casinos in other jurisdictions. However, nothing in this rule shall prohibit a riverboat licensee or operating agent from effectuating the eviction of a voluntarily excluded person from other properties within their corporate structure so that the person will be denied gaming privileges at casinos under the same parent company in other jurisdictions.
 - (2) Must provide a process whereby enforcement agents and security and surveillance are notified immediately when a voluntarily excluded person is detected in the gaming area of a facility.
 - (3) Must
 - (a) Refuse wagers from; and
 - (b) Deny gaming privileges to any individual who the casino knows to be a voluntarily excluded person.
 - (4) Make all reasonable attempts to ensure that voluntarily excluded persons do not receive direct marketing. A riverboat licensee or operating agent will satisfy this requirement if the riverboat licensee or operating agent removes the individual's name from the list of patrons to whom direct marketing materials are sent, and the individual does not receive direct marketing materials more than forty-five (45) days after the riverboat licensee receives notice, under section 3(a) of this rule, that the individual has appeared on the voluntary exclusion list.
 - (5) Ensure that voluntarily excluded persons do not receive check cashing privileges or extensions of credit, whether directly through the riverboat licensee or operating agent, or through a supplier contracting with a riverboat licensee or operating agent on property hired for the purpose of check cashing or extension of credit, or both.
 - (a) Nothing in this rule shall prohibit a riverboat licensee or operating agent from seeking payment of a debt from a voluntarily excluded person if the debt was accrued by a person before his or her name was placed on the voluntary exclusion list.
 - (b) A riverboat licensee or operating agent shall post signs at the turnstiles marking the entrance to the gaming area that will inform and educate patrons about the voluntary exclusion program. The text that will appear on the signs must be submitted to the commission staff for approval before posting.
- (e) A riverboat licensee or operating agent shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined pursuant to this section, including, but not limited to, the following:
 - (1) Release of confidential information for a purpose other than enforcement.

- (2) Knowingly refusing to withhold direct marketing, check cashing, and credit privileges.
- (3) Failure to follow internal control procedures adopted under this rule.

(Indiana Gaming Commission; 68 IAC 6-3-4; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2442; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)

68 IAC 6-3-5 Removal from voluntary exclusion list

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33

Sec. 5.

- (a) This section does not apply to those voluntarily excluded individuals who elected lifetime exclusion under section 2(d) of this rule.
- (b) A person may, upon the expiration of the selected term of voluntary exclusion, request removal of his or her name from the voluntary exclusion list. A person making a request for removal must do so by:
 - (1) Presenting to a commission office or other location designated by the executive director; and
 - (2) Declaring, in writing, on a form provided by the commission, the intent to remove his or her name from the voluntary exclusion list.
- (c) A request for removal from the voluntary exclusion list shall contain the following information:
 - (1) Name, including aliases or nicknames.
 - (2) Date of birth.
 - (3) Address of current residence.
 - (4) Telephone number of current residence.
 - (5) The signature of the person requesting removal from the voluntary exclusion list indicating acknowledgement of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for placement on the voluntary exclusion list, and I authorize the commission to permit all Indiana riverboat licensees or other facilities under the jurisdiction of the commission to reinstate my gaming privileges.”
 - (6) The signature of the enforcement agent or other individual authorized by the executive director to accept a request for removal, verifying that the individual requesting removal is the voluntarily excluded individual.
- (d) Upon receipt of a request for removal, the commission shall effectuate the removal of the name of the individual requesting removal from the voluntary exclusion list. The commission shall act upon a request for removal within thirty (30) days of receipt of the request.
- (e) The commission shall notify each riverboat licensee or operating agent each time an individual is removed from the voluntary exclusion list. Once an individual's name has been removed from the voluntary exclusion list, nothing in this rule shall prohibit a riverboat licensee or operating agent from:
 - (1) Marketing directly to that individual;
 - (2) Cashing checks of such a person; or
 - (3) Extending credit to the individual.

(Indiana Gaming Commission; 68 IAC 6-3-5; filed Mar 22, 2004, 3:30 p.m.: 27 IR 2443; filed Dec 6, 2006, 2:52 p.m.: 20070103-IR-068060191FRA)



Signage/Help Line/Advertising

Iowa Pari-mutuel Wagering Act

99D.7 Powers.

- (21) To cooperate with the gambling treatment program administered by the Iowa department of public health to incorporate information regarding the gambling treatment program and its toll-free telephone number in printed materials distributed by the commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

Self-exclusion

CHAPTER 99F Gambling: Excursion Gambling Boats, Gambling Structures, and Racetracks

99F.4 Powers

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

- (22) To require licensees to establish a process to allow a person to be voluntarily excluded for life from an excursion gambling boat and all other licensed facilities under this chapter and chapter 99D. The process established shall require that a licensee disseminate information regarding persons voluntarily excluded to all licensees under this chapter and chapter 99D. The state and any licensee under this chapter or chapter 99D shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person by a licensee as a result of wagers made by the person after the person has been voluntarily excluded shall not be paid to the person but shall be deposited into the gambling treatment fund created in section 135.150.

Funding/Revenue Sharing

99F.11 Wagering Tax – Rate – Allocation

- (3) The taxes imposed by this section shall be paid by the licensee to the treasurer of state within ten days after the close of the day when the wagers were made and shall be distributed as follows:
- (c) One-half of one percent of the adjusted gross receipts shall be deposited in the gambling treatment fund created in section 135.150.

135.150 GAMBLING TREATMENT FUND — PROGRAM — STANDARDS AND LICENSING.

1. A gambling treatment fund is created in the state treasury under the control of the department. The fund consists of all moneys appropriated to the fund. However, if moneys appropriated to the fund in a fiscal year exceed six million dollars, the amount exceeding six million dollars shall be transferred to the rebuild Iowa infrastructure fund created in section 8.57. Moneys in the fund are appropriated to the department for the purposes described in this section.
2. a. Moneys appropriated to the department under this section shall be for the purpose of operating a gambling treatment program and shall be used for funding of administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, crisis call access, education and preventive services, and financial management and credit counseling services.

- b. A person shall not maintain or conduct a gambling treatment program funded under this section unless the person has obtained a license for the program from the department. The department shall adopt rules to establish standards for the licensing and operation of gambling treatment programs under this section. The rules shall specify, but are not limited to specifying, the qualifications for persons providing gambling treatment services, standards for the organization and administration of gambling treatment programs, and a mechanism to monitor compliance with this section and the rules adopted under this section.
- 3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the gambling treatment fund shall be credited to the gambling treatment fund. Notwithstanding section 8.33, moneys credited to the gambling treatment fund shall not revert to the fund from which appropriated at the close of a fiscal year.

The department shall report semiannually to the legislative government oversight committees regarding the operation of the gambling treatment fund and program. The report shall include, but is not limited to, information on revenues and expenses related to the fund for the previous period, fund balances for the period, and moneys expended and grants awarded for operation of the gambling treatment program.

Section History: Recent Form

2004 Acts, ch 1136, §55; 2005 Acts, ch 175, §77

Referred to in § 99D.7, 99D.15, 99F.4, 99F.11, 99G.39

FOOTNOTES

Use of moneys in fund for benefit of persons with addictions; 2007 Acts, ch 218, §3



IOWA REGULATIONS

Administrative Rules: Chapter 5

Track and Excursion Boat Licensees' Responsibilities

5.4(12) Gambling treatment program

- (a) The holder of a license to operate gambling games shall adopt and implement policies and procedures designed to:
 - (1) Identify problem gamblers; and
 - (2) Prevent previously identified problem gamblers from gambling at the licensee's facility or other facilities licensed by the state of Iowa.
- (b) The policies and procedures shall be developed in cooperation with the gambling treatment program and shall include without limitation the following:
 - (1) Training of key employees to identify and report suspected problem gamblers;
 - (2) Procedures for recording and tracking identified problem gamblers;
 - (3) Policies designed to prevent serving alcohol to intoxicated casino patrons;
 - (4) Steps for removing problem gamblers from the casino; and
 - (5) Procedures for preventing reentry of problem gamblers.
- (c) A licensee shall include information on the availability of the gambling treatment program in a substantial number of its advertisements and printed materials.

Title 4 – Amusements and Sports*Signage/Help Line/Advertising***R.S. 4:149.4****§149.4. Toll-free telephone assistance for compulsive gamblers; posting of signs on premises**

The commission shall require the posting of one or more signs on licensed premises at each point of entry into areas where authorized gaming is conducted, authorized gaming devices are located, or authorized wagering on the results of any horse race is conducted to inform patrons of a toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the owner of the licensed premises to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

Acts 1997, No. 1192, § 1

Title 27 – Gaming Control Board*Miscellaneous***R.S. 27:27.1****§27.1. Uniform compulsive and problem gambling program**

- (a) Problem gambling is a serious and widely recognized problem. The gaming industry through the American Gaming Association in the *Responsible Gaming Resource Guide* has stated that the industry recognizes that gaming entertainment companies must stand up and take responsible actions to address social problems and costs that are created when some individuals have problems handling the product or services they provide. The industry has also stated that they know that the vast majority of the men and women who are their customers can enjoy their games responsibly, but that they also know the customers expect them to act responsibly toward those who cannot. It is imperative for the health, safety, and welfare of the citizens of the state of Louisiana that all gaming licensees and the casino gaming operator develop and implement comprehensive compulsive and problem gambling programs to be approved by the board.
- (b) The Louisiana Gaming Control Board shall adopt rules pursuant to the provisions of this Section for the development of a uniform compulsive and problem gambling program. These rules shall include the rules regarding self-exclusion as provided in Subsection D of this Section.
- (c) Within one hundred twenty days from the adoption of the rules provided for in Subsection B of this Section, each holder of a license as defined in R.S. 27:44(14), R.S. 27:353(5), and the casino gaming operator shall submit for approval to the board a comprehensive program that provides policies and procedures that, at a minimum, shall cover the following areas of concern and are designed to:

Training/Education

- (1) Provide procedures designed to prevent employees from willfully permitting a person identified on a self-exclusion list from engaging in gaming activities at the licensed establishment or facility.
- (2) Provide procedures to offer employee assistance programs or equivalent coverage. The procedures shall be designed to provide confidential assessment and treatment referral for gaming employees and, if covered, their dependents who may have a gambling problem.

- (3) Provide procedures for the development of programs to address issues of underage gambling and unattended minors at gaming facilities.
- (4) Provide procedures for the training of all employees that interact with gaming patrons in gaming areas to report suspected problem gamblers to supervisors who shall be trained as provided in this Paragraph. The training shall, at a minimum, consist of information concerning the nature and symptoms of compulsive and problem gambling behavior and assisting patrons in obtaining information about compulsive and problem gambling and available options for seeking assistance with such behavior.

Alcohol Service

- (5) Provide procedures designed to prevent serving alcohol to intoxicated gaming patrons consistent with the provisions of R.S. 26:931 et. seq.

Self-exclusion

- (6) Provide procedures for removing self-excluded persons from the licensed establishment or facility, including, if necessary, procedures that include obtaining the assistance of the division or local law enforcement.
- (7) Provide procedures preventing any person identified on the self-exclusion list from receiving any advertisement, promotion, or other targeted mailing after ninety days of receiving notice from the board that the person has been placed on the self-exclusion list.

Signage/Help Line/Advertising

- (8) Provide procedures for the distribution or posting within the gaming establishment of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem.
- (9) Provide procedures for the distribution of responsible gaming materials to employees.
- (10) Provide procedures for the posting of local curfews or laws and prohibitions, if any, regarding underage gambling and unattended minors.

Credit/Cash Access

- (11) Provide procedures to prevent any person placed on the self-exclusion list from having access to credit or from receiving complimentary services, check-cashing services, and other club benefits.

Self-exclusion

- (d) (1) The board shall provide by rule for the establishment of a list of self-excluded persons from gaming activities at all gaming establishments. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the board that the person wishes to be excluded and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such gaming establishments.
- (2) The rules of the board shall establish procedures for placements on, and removals from, the list of self-excluded persons, provided that notwithstanding any law to the contrary, prior to the removal from such list, the board or a hearing officer shall conduct a hearing not open to the general public at which it shall be established by the person seeking removal that there is no longer a basis to be maintained on the self-exclusion list.

- (3) The rules shall establish procedures for the transmittal to all gaming establishments of identifying information concerning self-excluded persons, and shall require all such gaming establishments to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check-cashing privileges and other club benefits.
- (4) The rules shall provide that notwithstanding the provision of R.S. 27:21 or any other law to the contrary, the board's list of self-excluded persons shall not be open to public inspection. The board, division, any licensee, permittee, or casino gaming operator and any employee or agent thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any monetary damages or other remedy which may arise as a result of disclosure or publication in any manner other than a willfully unlawful disclosure to a third party that is not an employee, affiliated company, or employee or agent of the board or division, of the identity of any self-excluded person.
- (e) A person who is prohibited from any gaming establishment by any provision of this Title or pursuant to any self-exclusion rules adopted by the board shall not collect in any manner or proceeding any winnings or recover any losses arising as a result of any prohibited gaming activity.
- (f) In any proceeding brought against any licensee, permittee or casino gaming operator and any employee thereof for a willful violation of the self-exclusion rules of the board, the board may order the forfeiture of any money or thing of value obtained by the licensee or the casino gaming operator from any self-excluded person. Any money or thing of value so forfeited shall be deposited into the Compulsive and Problem Gaming Fund established pursuant to R.S. 28:842.
- (g) Nothing herein shall prevent any licensee, permittee, or casino gaming operator from adopting and maintaining a self-exclusion policy that may impose different or greater standards so long as such policy is in addition to the boards' self-exclusion rules and any actions taken pursuant to such a policy of a licensee, permittee, or casino gaming operator that has been approved by the board shall be subject to the limitations of liability set forth in this Section and R.S. 27:27.4.

Training/Education

- (h) The provisions of this Section shall not require the board, division, licensees, permittees, the casino gaming operator, and the employees thereof to identify problem or compulsive gamblers which is an activity that requires medical and clinical expertise.

Signage/Help Line/Advertising

Present law provides that in any advertisement of gaming activities or of a gaming establishment that is offered to the general public in print by any licensee or the casino gaming operator, the toll-free telephone number of the National Council on Problem Gambling or a similar toll-free number approved by the board shall be placed on such advertisement. Proposed law retains the provisions of present law and also requires gaming licensees to include the toll-free number in all television advertising.

- (i) Nothing herein shall be construed to relieve the licensee from the requirements of posting of signs to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling as required by R.S. 27:58(10), 249(B), 320, or 377.

Self-exclusion

- (j) (1) The board may impose sanctions on a licensee, permittee, or casino gaming operator under this Title, if the licensee, permittee, or casino gaming operator willfully fails to exclude from the licensed gaming establishment a person placed on the self-exclusion list.
- (2) The board may seek revocation or suspension of a license, permit, or casino operating contract if the licensee, permittee, or casino gaming operator engages in a pattern of willful failure to exclude from the licensed gaming establishment persons placed on the self-exclusion list.

Training/Education

- (l) A licensee or casino gaming operator conducting gaming pursuant to the provisions of this Title can demonstrate to the board compliance with the education and training provisions of this Section by providing proof of attendance by all employees when they are hired and annually thereafter at one of the following education programs:
 - (1) Training programs conducted by the Louisiana Association on Compulsive Gambling.
 - (2) Any other course on problem and compulsive gaming training approved by the board.

Acts 2001, No. 1124, §1.

Signage/Help Line/Advertising

§27.3. Advertising; compulsive gambling information

In any advertisement of gaming activities or of a gaming establishment that is offered to the general public in print by any licensee or the casino gaming operator operated pursuant to the provisions of this Title, the toll-free telephone number of the National Council on Problem Gambling or a similar toll-free number approved by the board shall be placed on such advertisement.

Acts 2001, No. 1124, §1.

R.S. 27:249

§249. Compulsive gambling; posting information

- (a) The corporation shall include the cost of the transfer of its monies to the state treasurer for deposit into the Compulsive and Problem Gaming Fund as required by R.S. 27:270(A)(2) as a budgeted item and expense of the corporation.

Funding/Revenue Sharing

- (b) The corporation shall require the posting of signs at points of entry to the official gaming establishment to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling as required by R.S. 28:841. Failure by the licensee to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

Acts 1992, No. 384, §1, eff. June 18, 1992; Acts 1993, No. 200, §1; Acts 1995, No. 1215, §1, eff. July 1, 1995. Redesignated from R.S. 4:649 by Acts 1996, 1st Ex. Sess., No. 7, §3, eff. May 1, 1996.

*Signage/Help Line/Advertising***R.S. 27:320****§320. Toll-free telephone assistance for compulsive gamblers; posting of signs on premises**

The division shall require the posting of one or more signs on licensed premises at points of entry to the areas where devices are located to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the owner of the licensed premises to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

Acts 1993, No. 200, §3. Redesignated from R.S. 33:4862.20 by Acts 1996, 1st Ex. Sess., No. 7, §3, eff. May 1, 1996.

R.S. 27:377**§377. Toll-free telephone assistance for compulsive gamblers; posting of signs on premises**

The board shall require the posting of one or more signs at points of entry to the slot machine gaming areas to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

Acts 1997, No. 721, §1, eff. July 9, 1997.

*Training/Education***R.S. 27:401****Chapter 8: Miscellaneous Gaming Provisions****§401. Potential problems with gaming and gambling; educational program**

- (a) The Department of Health and Hospitals, office for addictive disorders, shall develop and fund a program for educating students in public and nonpublic elementary and secondary schools about the potential problems associated with gaming and gambling.
- (b) The state Department of Education shall implement the program in public elementary and secondary schools and shall make the program available to nonpublic elementary and secondary schools.
- (c) The program may be implemented through or in association with the statewide D.A.R.E. program or a similar program.

Acts 1999, No. 1335, § 1, effective July 12, 1999

*Signage/Help Line/Advertising***R.S. 28:841****Chapter 15: Compulsive and Problem Gambling****§841. Office for addictive disorders; functions related to compulsive and problem gambling**

- (a) The office for addictive disorders of the Department of Health and Hospitals shall establish a program to provide information and referral services related to compulsive or problem gambling. The program may include treatment services and shall include provision of a twenty-four hour, toll-free telephone service, operated by persons with knowledge of programs and services available to assist persons suffering from compulsive or problem gambling behavior.

- (b) The office shall make information regarding the program and services available to the public and shall provide, by rule, for the design of an informational sign containing the toll-free telephone number for use in various places where gambling or gaming activities are conducted in the state, horse racing tracks, and charitable bingo parlors. The office shall provide such signs to the Louisiana Lottery Corporation, which shall require their posting at lottery retail outlets, pursuant to R.S. 47:9021.

Acts 1993, No. 200, § 2; Acts 1995, No. 1014, § 2, 4; Acts 1995, No. 1215, § 2, 5, effective July 1, 1995; Acts 1997, No. 172, § 1, effective June 13, 1997; Acts 1999, No. 339, § 4. NOTE: See Acts 1995, No. 1014, § 5.

Funding/Revenue Sharing

R.S. 28:842

§842. Compulsive and Problem Gaming Fund; creation

- (a) There is hereby created, as a special fund in the state treasury, the Compulsive and Problem Gaming Fund.
- (b) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, an amount equal to the monies received by the state treasury pursuant to the provisions of R.S. 27:92(B)(2)(a), 270(A)(2), and 312(B)(2)(a), and R.S. 47:9029(B)(2) shall be deposited into the Compulsive and Problem Gaming Fund. All unexpended and unencumbered monies in the fund at the end of any fiscal year shall remain in the fund for use in subsequent fiscal years. Monies in the fund shall be invested by the state treasurer in the manner as monies in the state general fund and interest earned on the investment of such monies shall be credited to the fund after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana. Monies in the fund shall only be withdrawn pursuant to an appropriation by the legislature solely to implement the provisions of this Chapter.
- (c) All monies received by the state treasury pursuant to the provisions of R.S. 27:92(B), 270(A)(3), 312(B), and 319(A) shall be deposited into the Compulsive and Problem Gaming Fund. The monies in the Compulsive and Problem Gaming Fund shall be appropriated by the legislature solely to implement the provisions of this Chapter.

Acts 1995, No. 1014, § 2; Acts 1995, No. 1215, § 2, effective July 1, 1995.

Signage/Help Line/Advertising

R.S. 47:9021

§9021. Toll-free telephone number to assist compulsive gamblers; printing on tickets; signs at retail outlets

The corporation shall require as a part of any contract for the production or printing of lottery tickets that each ticket include the toll-free telephone number made available by the office for addictive disorders of the Department of Health and Hospitals to provide information and referral services regarding compulsive or problem gambling. However, the requirements of this Section shall not affect any lottery tickets that are part of the inventory that has been delivered to retail licensees for sale or that have been printed but not yet delivered to retail licensees for sale prior to August 15, 1993.

Acts 1993, No. 200, § 4; Acts 1997, No. 172, § 3, effective June 13, 1997; Acts 1999, No. 339, § 3.



Title 42: Louisiana Gaming **Part III. Gaming Control Board**

Chapter 1: General Provisions

§118. Programs to Address Problem Gambling

- (a) As used in this Section licensee means each person who is licensed or otherwise authorized to conduct gaming operations.

Signage/Help Line/Advertising

- (b) Each licensee shall post or provide in conspicuous places in or near gaming areas and areas where cash or credit is made available to patrons including cash dispensing machines written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number of the Louisiana Problem Gambling Hot Line or similar entity approved by the Board.

Training/Education

- (c) All licensees other than video draw poker establishments shall implement procedures and training for all employees who directly interact with gaming patrons in gaming areas. Such training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior and assisting patrons in obtaining information about problem gambling programs. This Subsection shall not be construed to require employees of licensees to identify problem gamblers. Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures. Training programs conducted or certified by the Office of Alcohol and Drug Abuse are presumed to provide adequate training for the period certified.
- (d) Licensed video draw poker establishments shall comply with procedures and training requirements developed by the division and approved by the Board.

Miscellaneous

- (e) Each licensee that engages in the issuance of credit, check cashing, or the direct mail marketing of gaming opportunities, shall implement a program containing the elements described below, as appropriate, that allows patrons to self-limit their access to the issuance of credit, check cashing, or direct mail marketing by that licensee. As appropriate, such program shall contain, at a minimum, the following:
- (1) The development of written materials for dissemination to patrons explaining the program;
 - (2) The development of written materials for dissemination to patrons explaining the excluded persons provisions of R.S. 27:1 et seq. and the administrative rules of the Board;
 - (3) The development of written forms allowing patrons to participate in the program;
 - (4) Standards and procedures that allow a patron to be prohibited from access to check cashing, the issuance of credit, and the participation in direct mail marketing of gaming opportunities;
 - (5) Standards and procedures that allow a patron to be removed from the licensee's direct mailing and other direct marketing regarding gaming opportunities at that licensee's location; and

- (6) Procedures and forms requiring the patron to notify a designated office of the licensee within 10 days of the patron's receipt of any financial gaming privilege, material or promotion covered by the program.
- (f) The Chairman may request that any licensee submit any of the elements of the licensee's program described in Subsections B, C, and E to the Board for review. If the Board makes an administrative determination that the licensee's program does not adequately address the standards as set forth in Subsections B, C and E above, then the Board may issue such a determination identifying the deficiencies and specifying a time certain within which such deficiencies must be corrected.
- (g) Failure by the licensee to establish the programs set forth in Subsections C and E, to comply with the procedures and training requirements established under Subsection D, or to cure a deficiency identified pursuant to Subsection F, shall constitute a violation of these rules, and may result in administrative action including but not limited to revocation, suspension or civil penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:2256 (November 1999).

Chapter 3: Compulsive and Problem Gambling

Signage/Help Line/Advertising

§301. Problem Gambling Programs

- (b) The Casino Operator or Casino Manager and each licensee shall post or provide written materials concerning the nature and symptoms of problem gambling in conspicuous places within the gaming establishment in or near gaming areas and areas where cash or credit is made available to patrons, including cash dispensing machines.
- (c) The Casino Operator or Casino Manager and each licensee shall post one or more signs, as approved by the Division, at points of entry to casino gaming establishments to inform customers of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll-free number shall be provided by the division.
- (d) Failure by the Casino Operator or Casino Manager or a licensee to comply with the provisions of Subsections B or C above shall constitute violations of this Section. The penalty for violation of Subsection B or C shall be \$1,000 per day or administrative action including but not limited to suspension or revocation.

Training/Education

- (e) (1) The Casino Operator or Casino Manager and all licensees shall develop a comprehensive program for its property or properties, that address, at a minimum, the areas of concern described in R.S. 27:27.1.C which are designed to:
 - (a) Provide procedures designed to prevent employees from willfully permitting a person identified on a self-exclusion list from engaging in gaming activities at the licensed establishment or facility;
 - (b) Provide procedures to offer employee assistance programs or equivalent coverage. The procedures shall be designed to provide confidential assessment and treatment referral for gaming employees and, if covered, their dependents who may have a gambling problem;
 - (c) Provide procedures for the development of programs to address issues of underage gambling and unattended minors at gaming facilities;

- (d) Provide procedures for the training of all employees that interact with gaming patrons in gaming areas to report suspected problem gamblers to supervisors who shall be trained as provided in this Paragraph. The training shall, at a minimum, consist of information concerning the nature and symptoms of compulsive and problem gambling behavior and assisting patrons in obtaining information about compulsive and problem gambling and available options for seeking assistance with such behavior;

Alcohol Service

- (e) Provide procedures designed to prevent serving alcohol to intoxicated gaming patrons consistent with the provisions of R.S. 26:931 et seq.;

Self-exclusion

- (f) Provide procedures for removing self-excluded persons from the licensed establishment or facility, including, if necessary, procedures that include obtaining the assistance of the division or local law enforcement;
- (g) Provide procedures preventing any person identified on the self-exclusion list from receiving any Advertisement, promotion, or other targeted mailing after ninety days of receiving notice from the board that the person has been placed on the self-exclusion list;

Signage/Help Line/Advertising

- (h) Provide procedures for the distribution or posting within the gaming establishment of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem;

Training/Education

- (i) Provide procedures for the distribution of responsible gaming materials to employees;

Signage/Help Line/Advertising

- (j) Provide procedures for the posting of local curfews or laws and prohibitions, if any, regarding underage Gambling and unattended minors;

Credit/Cash Access

- (k) Provide procedures to prevent any person placed on the self-exclusion list from having access to credit or from receiving complimentary services, check cashing services, and other club benefits;

Alcohol Service

- (l) Provide procedures designed to prevent persons from gaming after having been determined to be intoxicated for the purposes of R.S. 27:27.1.C.(5).

Training/Education

- (2) The Casino Operator or Casino Manager and each licensee shall designate personnel responsible for Implementing and monitoring the program.

Credit/Cash Access

- (3) In addition to the areas of concern described in R.S. 27:27.1.C, the comprehensive program shall also include a program that allows patrons to self-limit their access to functions and amenities of the gaming establishment, including but not limited to, the issuance of credit, check cashing or direct mail marketing.

Miscellaneous

- (f) The Casino Operator or Casino Manager and each licensee shall submit the comprehensive program to the board for approval within one hundred twenty days from the date this rule becomes effective as required by R.S. 27:27.1.C.
- (g) Upon approval, the Casino Operator, Casino Manager and all casino gaming licensees shall comply with their respective comprehensive compulsive and problem gambling programs submitted to the board.
- (h) Sanctions
- (1) Failure by any licensee, the Casino Operator or Casino Manager to comply with LAC 42:III.301.F shall constitute a violation. The penalty for violation of LAC 42:III.301.F shall be \$1,000 per day or administrative action including but not limited to suspension or revocation.
 - (2) Failure by any licensee, the Casino Operator or Casino Manager to comply with any provision of the Programs approved by the board shall constitute a violation of LAC 42:III.301.G. The penalty shall be \$5000 for the first offense, \$10,000 for the second offense and \$20,000 for the third offense. The penalty for fourth and subsequent offenses shall be \$20,000 or administrative action including but not limited to suspension or revocation.

Authority Note: Promulgated in accordance with R.S. 27:15 and 24.

Historical Note: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1987 (September 2002).

Self-exclusion

§304. Self-Exclusion

- (a) Pursuant to R.S. 27:27.1, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who, at his or her request, are to be excluded or ejected from all casino gaming establishments licensed or operating pursuant to Chapters 4, 5, and 7 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.
- (b) Definitions
- (1) The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

“CASINO GAMING ESTABLISHMENT”: any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to Chapters 4, 5, and 7 of the Louisiana Gaming Control Law.

“SELF-EXCLUDED PERSON”: any person whose name is included, at his or her request, on the self-exclusion list maintained by the board.

“SELF-EXCLUSION”: a list of names of persons who have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at all licensed casino gaming establishments.

(c) Request for Self-Exclusion

- (1) Any person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this Section.
- (2) Any person requesting placement on the self exclusion list shall submit, in person, a completed request for self-exclusion as required in Paragraph C.4 below. The request shall be delivered to an Office of State Police, Casino Gaming Division. Any person submitting a self exclusion request shall be required to present valid identification credentials. Any person requesting self exclusion pursuant to this Section shall be required to have his or her photograph taken by a division agent upon submission of the request.
- (3) No person placed on the self-exclusion list may request removal for a period of five years from the date the person is placed on the self-exclusion list.
- (4) A request for self-exclusion shall be in a form prescribed by the board. Such form shall include:
 - (a) Identifying information concerning the person submitting the request for self-exclusion, as follows:
 - (i) Name, including any known aliases or nicknames;
 - (ii) Date of birth, driver's license or state identification number, if available;
 - (iii) Current home and business address;
 - (iv) Telephone number of current residence;
 - (v) Social Security number, which information is voluntarily provided in accordance with Section 7 of the Privacy Act, 5 U.S.C. § 552(a); and
 - (vi) A physical description of the person, including height, weight, gender, hair color, eye color, and any other physical or distinguishing characteristics that may assist in the identification of the person;
 - (vii) The date of exclusion;
 - (b) A waiver and release which shall release, forever discharge, indemnify and hold harmless the state of Louisiana, the Louisiana Gaming Control Board ("Board"), the Louisiana Department of Public Safety and Corrections, Office of State Police ("State Police"), the Department of Justice, Office of the Attorney General ("Attorney General's Office"), all casino gaming licensees, the Casino Operator and Casino Manager and their members, agents, and employees, from any liability to the person requesting self exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion, request for removal from the Self-exclusion list, or removal from the self-exclusion list, including:
 - (i) Processing or enforcement of the request for self-exclusion, request for removal or removal from the self exclusion list;
 - (ii) The failure of the Casino Operator or Casino Manager or a casino gaming licensee to withhold gaming privileges from, or restore gaming privileges to, a self excluded person;
 - (iii) Permitting a self-excluded person to engage in gaming activity in a licensed casino gaming establishment while on the list of self-excluded persons; and
 - (iv) Disclosure of the information contained in the self-exclusion request or list, except for a willful unlawful disclosure of such information;

(c) The following statement signed by the person submitting the request for self-exclusion:

“I understand and read the English language or have had an interpreter read and explain this form. I am voluntarily requesting exclusion from all gaming activities at all Louisiana casino gaming establishments because I am a compulsive and/or problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read, understand, and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Board or the State Police to direct all Louisiana casino gaming licensees, including the Casino Operator and Casino Manager, to restrict my gaming activities and access to casino gaming establishments for a minimum period of five years from the date of exclusion. During such period of time, I will not attempt to enter any casino gaming establishment. I further understand that my name will remain on the self-exclusion list until (1) I submit a written request to the board to terminate my self-exclusion; (2) a hearing is held; and (3) there is a written decision of the Board determining that there is no longer a basis for me to be maintained on the list. I am aware that I cannot request removal from the list before five years have elapsed from the date of exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect in any manner or proceeding any winnings or recover any losses resulting from any gaming activity at any casino gaming establishment and that any money or thing of value obtained by me from, or owed to me by, the Casino Operator, Casino Manager, or a casino gaming licensee as a result of wagers made by me while on the self-exclusion list shall be withheld and remitted to the state of Louisiana.”

(d) The type of identification credentials examined containing the signature of the person requesting self exclusion, and whether the credentials included a photograph of the person; and

(e) The signature of a board or division member, agent, or employee authorized to accept such request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.

(5) Upon receipt and acceptance of the request for self exclusion and completion and submission of all required information and documentation the requesting party shall be placed on the self-exclusion list by the division.

(d) Self-Exclusion List

(1) The board shall maintain a list of persons who, at his or her request, are excluded and are to be ejected from all casino gaming establishments.

(2) The list shall not be open to public inspection.

(3) The list shall be distributed by the division to the Casino Operator or Casino Manager and each casino gaming licensee who shall acknowledge receipt of the list in writing. The division shall notify the Casino Operator, Casino Manager and all casino gaming licensees of the addition of new names and removal of names from the self-exclusion list within two business days of the effective date of such action.

(4) The Casino Operator or Casino Manager and each casino gaming licensee shall maintain a copy of the self exclusion list and shall establish procedures to ensure that the self-exclusion list is updated and that all appropriate members, employees and agents of the Casino Operator or Casino Manager and each casino gaming licensee are notified of any addition to or deletion from the list within five business days after receipt of the notice from the division. Appropriate

members, employees, and agents of the Casino Operator or Casino Manager and each casino gaming licensee are those whose duties and functions require access to such information. The notice provided by the division shall include the name and date of birth of any person whose name shall be removed from the self exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:

- (a) Name, including any known aliases or nicknames;
 - (b) Date of birth;
 - (c) Address of current residence;
 - (d) Telephone number of current residence;
 - (e) Social Security number, if voluntarily provided by the person requesting self-exclusion;
 - (f) Driver's license or state identification number;
 - (g) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical or distinguishing characteristic that may assist in the identification of the person; and
 - (h) A copy of the photograph taken by the division.
- (5) Information furnished to or obtained by the board and division pursuant to this Section shall be deemed confidential and not be disclosed pursuant to R.S. 27:27.1.
- (6) Neither the Casino Operator, Casino Manager, any casino gaming licensee, any employee or agent thereof shall disclose the self-exclusion list or the name of, or any information about, any person who has requested self exclusion to anyone other than employees and agents of the Casino Operator or Casino Manager or casino gaming licensee whose duties and functions require access to such information. Notwithstanding the foregoing, the Casino Operator or Casino Manager and each casino licensee may disclose the name of and information about a self-excluded person to appropriate employees of other casino licensees in Louisiana for the purpose of alerting other casinos that a self-excluded person has tried to gamble or obtain gaming related privileges or benefits in a casino gaming establishment. Nothing herein shall be construed to prohibit the licensee from disclosing the identity of self-excluded persons to affiliated entities in Louisiana and other gaming jurisdictions for the limited purpose of assisting in the proper administration of compulsive and problem gaming programs operated by such affiliated entities.
- (e) Duties of the Casino Operator, Casino Manager, and each Casino Gaming Licensee
- (1) The Casino Operator or Casino Manager and each casino gaming licensee shall establish procedures that are designed, to the greatest extent practicable, to:
 - (a) Permit appropriate employees of the Casino Operator or Casino Manager and the casino gaming licensee to identify a self-excluded person when present in the casino gaming establishment and, upon such identification, immediately notify:
 - (i) Those employees of the Casino Operator or Casino Manager and the casino gaming licensee designated to monitor the presence of self-excluded persons; and
 - (ii) Appropriate representatives of the board and division;
 - (b) Refuse wagers from and deny any gaming privileges to any self-excluded person;
 - (c) Deny casino credit, check cashing privileges, player club membership, direct mail and marketing services complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
 - (d) Enforce the provisions of LAC 42:III.304.D.6.

- (2) The Casino Operator or Casino Manager and each casino gaming licensee shall distribute a packet of written materials approved by the Division to any person inquiring or requesting information concerning the board's self exclusion program.
 - (3) The Casino Operator or Casino Manager and each casino licensee shall submit to the board for approval a copy of its procedures established pursuant to LAC 42:III.304.D.4 and E.1 above within 120 days from the date this rule becomes effective. Any amendments to said procedures shall be submitted to the board and approved prior to implementation.
 - (4) If a self-excluded person enters, attempts to enter, or is in the casino gaming establishment and is discovered by the Casino Operator or Casino Manager or any casino gaming licensee, the Casino Operator or Casino Manager or casino gaming licensee shall immediately notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.
 - (5) Upon discovery of a self-excluded person in the casino gaming establishment, both the security and surveillance departments of the Casino Operator, Casino Manager and casino gaming licensees shall initiate a joint investigation, unless otherwise directed by the division.
 - (a) The joint investigation shall seek to determine:
 - (i) Responsibility of employees of the gaming establishment for allowing an excluded person to gain access to the casino gaming establishment; and
 - (ii) The net amount of winnings or losses attributable to the excluded person.
 - (b) The Casino Operator or Casino Manager and each casino gaming licensee shall provide a written report of the results of the joint investigation to the division.
 - (6) The casino gaming establishment shall ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a self-excluded person.
- (f) Sanctions
- (1) Any casino gaming licensee, Casino Operator, or Casino Manager who willfully fails to exclude a self excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.1 J and this Section.
 - (2) The penalty for violation of LAC 42:III.304.F.1 shall be \$25,000 or administrative action including but not limited to suspension or revocation.
- (g) Removal from Self-Exclusion List
- (1) Any self-excluded person may, upon the expiration of five years from the date of exclusion, submit a written request to the board for a hearing to have his or her name removed from the self-exclusion list. Such request shall be in writing and state with specificity the reason for the request.
 - (2) The request shall include a written recommendation from a qualified mental health professional as to the self excluded person's capacity to participate in gaming activities without adverse risks or consequences. The person seeking removal from the self-exclusion list may be required to obtain a separate and independent recommendation from a qualified mental health professional, approved by the hearing officer, as to the self-excluded person's capacity to participate in gaming activities without adverse risks or consequences.
 - (3) If the hearing officer determines that there is no longer a basis for the person seeking removal to be maintained on the self-exclusion list, the person's name shall be removed from the self-exclusion list and his or her exclusion shall be terminated. The division shall notify the Casino

Operator or Casino Manager and all casino gaming licensees of the determination. The Casino Operator, Casino Manager or any casino gaming licensee may continue to deny gaming privileges to persons who have been removed from the list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1990 (September 2002).

Signage/Help Line/Advertising

Part IX. Landbased Casino Gaming

Chapter 29: Operating Standards

§2919. Advertising; Mandatory Signage

- (a) The Board may regulate and establish procedures for the regulation of advertising and marketing casino events and activities. Additionally, the board may require the casino operator or casino manager to advertise or publish specified information, slogans and telephone numbers relating to avoidance and treatment of compulsive or problem gambling or gaming. The casino operator and casino manager shall immediately comply with any order of the board issued pursuant to this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

Part XIII. Riverboat Gaming

Chapter 29: Operating Standards

§2927. Advertising

The division may establish procedures for the regulation of advertising of riverboat gaming activities. More specifically the division may require a licensee to advertise or publish specified information, slogans and telephone numbers relating to avoidance and treatment of compulsive or problem gambling or gaming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995).



Funding/Revenue Sharing

Title 8: Amusements and Sports

Chapter 31: Gambling Control Board

Subchapter 3: Slot Machine Operation; Allocation of Funds

2. Distribution from commercial track. A slot machine operator shall collect and distribute 39% of the net slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:
 - A. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board; [2005, c. 663, §12 (amd).]



Signage/Help Line/Advertising

Chapter 14: ADVERTISING

- §1. The Board finds that the State has a compelling interest in deterring excessive use of alcohol and tobacco products, especially by minors. The Board finds that the State has a compelling interest in ensuring that minors are aware of the law that prohibits persons under age 21 from engaging in gambling at the slot facility. The Board finds that the State has a compelling interest in ensuring that persons have access to information and resources to address problem and compulsive gambling.
- §2. All advertising, marketing and promotional materials (referred to collectively as “advertising”) related to slot machines or referencing slot machines to be utilized by a slot machine operator or person acting on behalf of the operator, shall be filed with the Gambling Control Board thirty days prior to use. This section can be waived, in writing, by the Board or its Executive Director. Advertising materials that have been previously filed with the Board and that have not been substantially altered need not be prefiled, but may be filed with the Board contemporaneously with distribution.
- §3. Advertising shall comply with the following standards:
 - A. False, misleading and deceptive advertising is prohibited.
 - B. Depictions of the use of alcohol and tobacco are prohibited.
 - C. Depictions of persons under the age of 21 engaged in gambling are prohibited.
 - D. Guarantees of success, riches or gambling winnings are prohibited.
 - E. Advertising must include a disclaimer as follows: “Persons under 21 years of age may not enter the slot machine area unless licensed as employees.”
 - F. Advertising must comply with all applicable Maine and federal laws.
- §4. The Slot Machine Operator must post, in prominent locations throughout the slot machine facility (including but not limited to restrooms and the vicinity of ATM machines), notices carrying a gambling addiction warning approved by the Board and information regarding hotlines and addiction counseling services. The Operator should submit such notices to the Board with a written request for approval thirty (30) days prior to the posting.

§5. On receipt of notice from the Board or its Director that advertising may be in violation of these rules or other laws of the State of Maine, and upon request by the Board or Director to do so, the licensee will suspend, or cause its agent or representative to suspend, the advertising campaign. Suspension of the use of the advertising materials in question will continue pending resolution of the matter, including any proceedings pursuant to 8 M.R.S.A. chapter 31, subchapter 5.

STATUTORY AUTHORITY: 8 M.R.S.A. §1003.

EFFECTIVE DATE: February 21, 2005 – filing 2005-69

Chapter 18: RESPONSIBLE GAMING PROGRAMS

Prior to commencing slot machine operations the Slot Machine Operator shall submit its responsible gaming program to the Board. The program shall address the following areas:

Training/Education

- A. **COMPULSIVE GAMBLING.** The program shall be designed to promote responsible gaming. In doing so, the Slot Machine Operator shall identify the means by which it will heighten customer and employee awareness of compulsive gambling, including the training of employees, the availability of informational brochures for customers, the placement of signage within the facility and the referencing in marketing materials to resources available to combat compulsive gambling. Additionally, the program shall identify the procedures to be followed for customers to voluntarily exclude themselves from the slot machine facility. The Slot Machine Operator will maintain a list of self-excluded individuals and will develop a procedure for individuals to request removal of their name from the list;

Alcohol Service

- B. **ALCOHOL SERVICE.** The program shall be designed to promote responsible alcohol service and consumption. The program shall identify all employee training related to alcohol service. The program shall also identify the procedures designed to prevent a visibly intoxicated individual from gambling or consuming alcohol at the slot machine facility;

Miscellaneous

- C. **MINORS.** The program shall identify the means by which the Slot Machine Operator will prevent minors from gambling, consuming alcohol or purchasing tobacco products at the slot machine facility. The Slot Machine Operator shall identify its procedures to address an unattended minors found at the slot machine facility; and
- D. **MARKETING.** The program shall identify the standards the Slot Machine Operator will follow in its marketing campaigns for the slot machine facility. The program shall identify the procedures designed to prevent marketing materials or communications from being directed specifically to individuals who have self-excluded themselves from the facility or who have requested that they not receive such materials or communications.

STATUTORY AUTHORITY: 8 M.R.S.A. §1003

EFFECTIVE DATE: February 21, 2005 – filing 2005-73

Credit/Cash Access

Chapter 21: PROHIBITION OF CREDIT

§1. The establishment of a credit line for game play by the Slot Machine Operator for any patron is prohibited.

STATUTATORY AUTHORITY: *8 M.R.S.A. § 1003*

EFFECTIVE DATE: *February 21, 2005 – filing 2005-76*

Funding/Revenue Sharing

Chapter 23: GAMBLING ADDICTION COUNSELING SERVICES

1. The Gambling Control Board may allocate certain funds appropriated to it by the Legislature for gambling addiction services. Only counselors certified by the State of Maine as Problem Gambling Counselors shall be eligible for payment of services.

STATUTATORY AUTHORITY: *8 M.R.S.A. c. 31, §1003*

EFFECTIVE DATE: *August 5, 2006 – filing 2006-351*

Michigan Gaming Control and Revenue Act of 1997 (Public Act 69 of 1997)

Signage/Help Line/Advertising

Section 9c: Toll-free compulsive gaming helpline number

- (1) A person who holds a casino license issued pursuant to this act shall conspicuously post at each entrance and exit of the casino, on each electronic funds transfer terminal, and at each credit location a visually prominent sign on which is printed a toll-free compulsive gaming helpline number.
- (2) A person who holds a casino license shall include a toll-free compulsive gaming helpline number on all of its printed advertisement and promotional materials.

Funding/Revenue Sharing

Section 12a: Payment of regulatory and enforcement costs, programs, activities, and services; total annual assessment; state services fee fund.

- (2) The total annual assessment for the first year in which any casino licensee under this act begins operating a casino in this state shall be \$25,000,000.00.
- (3) The total annual assessment required under this subsection shall be adjusted each year by multiplying the annual assessment for the immediately preceding year by the Detroit consumer price index for the immediately preceding year. As used in this subsection, “Detroit consumer price index” means the annual consumer price index for Detroit consumers as defined and reported by the United States department of labor, bureau of labor statistics.
- (4) On or before the date the casino licensee begins operating the casino and annually on that date thereafter, each casino licensee shall pay to the state treasurer an equal share of the total annual assessment required under this section. In no event shall a casino’s assessment exceed 1/3 of the total annual assessment required under this section.
- (5) From the amount collected under subsection (4), \$2,000,000.00 shall be deposited in the compulsive gaming prevention fund.

Self-exclusion

Section 25: Disassociated Persons

- (1) The board shall create a list of disassociated persons. The board shall, with the assistance of casino licensees, inform each patron of the list of disassociated persons and explain how the patron may add his or her name to the list.
- (2) The board may add an individual’s name to the list of disassociated persons if the individual has notified the board in writing of his or her pledge not to visit a casino in this state by filing an application for placement on the list of disassociated persons with the board.
- (3) The board shall create and make available an application for placement on the list of disassociated persons. The application shall include all of the following information about the individual who is applying:
 - (a) Full name and all aliases.
 - (b) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics.

- (c) Occupation.
 - (d) Current home and work addresses and phone numbers.
 - (e) Social security number.
 - (f) Date of birth.
 - (g) Statement that the individual believes he or she is a problem gambler and is seeking treatment.
 - (h) A photograph suitable for the board and casino licensees to use to identify the individual.
 - (i) Other information that the board considers necessary.
- (4) An individual's name shall be placed on the list of disassociated persons after all of the following have occurred:
- (a) The individual has submitted an application to be placed on the list of disassociated persons to the Michigan gaming control board.
 - (b) The application has been verified by a representative of the board.
 - (c) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of disassociated persons and authorizing the board to release the contents of his or her application to all casino licensees in this state.
 - (d) The individual signs a form releasing the state of Michigan, the board, and the casino licensees from any injury the individual suffers as a consequence of placing his or her name on the list of disassociated persons.
 - (e) The individual signs a form stating that he or she understands and authorizes all of the following:
 - (i) That a criminal complaint for trespassing will be filed against him or her if he or she is found on the premises of a casino in this state and he or she will be immediately removed from the casino premises.
 - (ii) That if he or she enters a casino and wins any money, the board will confiscate the winnings.
- (5) An individual who has his or her name placed on the list of disassociated persons shall remain on the list for the remainder of his or her life.
- (6) After an application has been submitted to the board, the chairperson of the board shall file a notice of placement on the list of disassociated persons with the board at the next closed session. Information contained in an application under subsection (4) is exempt from disclosure under section 4c of this act and is not open for public inspection. The information shall be disclosed to the board, each casino licensee in this state, the department of attorney general, and the department of state police.
- (7) The list of disassociated persons shall be provided to each casino licensee, the department of attorney general, and the department of state police.
- (8) Each casino licensee in this state shall submit to the board a plan for disseminating the information contained in the applications for placement on the list of disassociated persons. The board shall approve the plan. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:
- (a) The general casino manager or the managerial employee who has responsibility over the entire casino operations.

- (b) All security and surveillance personnel.
- (c) The department of state police.
- (9) A casino licensee shall not extend credit, offer check cashing privileges, offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of disassociated persons.
- (10) The casino licensee shall keep a computer record of each individual whose name is on the list of disassociated persons. If a casino licensee identifies a person on the premises of a casino, the licensee shall immediately notify the board, a representative of the board, or a representative of the department of state police who is on the premises of the casino. After the licensee confirms that the individual has filed an affidavit under this section, the licensee shall do all of the following:
 - (a) Immediately remove the individual from the casino premises.
 - (b) Report the incident to the prosecutor for the county in which the casino is located.
- (11) A casino licensee who violates this act is subject to disciplinary action by the board.
- (12) The board shall promulgate rules to implement and administer this act.
- (13) An individual who has placed his or her name on the list of disassociated persons who enters a casino in this state is guilty of criminal trespassing punishable by imprisonment for not more than 1 year, a fine of not more than \$1,000.00, or both.
- (14) This act does not create any right or cause of action on behalf of the individual whose name is placed on the list of disassociated persons against the state of Michigan, the board, or a casino licensee.
- (15) Any winnings collected by the board under this act shall be deposited into the compulsive gaming prevention fund.

Funding/Revenue Sharing

Compulsive Gaming Prevention Act (Public Act 70 of 1997)

Section 3: Compulsive gaming prevention fund; creation; disposition; distributions; investment; credit of interest and earnings; lapsed funds; fees for addiction treatment.

- (1) The compulsive gaming prevention fund is created within the department of treasury.
- (2) All of the following shall be deposited in the compulsive gaming prevention fund:
 - (a) The money appropriated from the state services fee fund created under the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.216, for the compulsive gaming prevention fund.
 - (b) A percentage of the net revenue in the state lottery fund created in section 41 of the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.41, that is equal to not less than 10% of each year's state lottery advertising budget but not to exceed \$1,000,000.00.
 - (c) A percentage of the Michigan agriculture equine industry development fund created in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320, that is equal to 1/10 of 1% of the gross wagers made each year in each of the racetracks licensed under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.
- (3) Of the funds available in the compulsive gaming prevention fund, \$40,000.00 shall be distributed to the domestic abuse council. The remaining funds in the compulsive gaming prevention fund shall be distributed as determined by the director of community health to be used exclusively for the

treatment, prevention, education, training, research, and valuation of pathological gamblers and their families and to fund the toll-free compulsive gaming helpline number.

- (4) The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (5) Funds remaining in the compulsive gaming prevention fund at the close of the fiscal year shall remain in the compulsive gaming prevention fund and shall not lapse to the general fund.
- (6) The department of community health may establish fees for the treatment of pathological gambling addictions.

Section 4: Distribution of funds; authorization; use.

The director of the department of community health, after consulting with the racing commissioner, the commissioner of the state lottery, and the chairperson of the Michigan gaming control board, shall authorize the distribution of funds from the compulsive gaming prevention fund to be used exclusively for the treatment, prevention, education, training, research, and evaluation of pathological gamblers and their families.

Section 5: Funding levels; changes; submission of results and recommendations; assessment of fee on casinos licensed under §§ 432.201 to 432.216.

- (1) The results of funded studies and recommendations for any changes in funding levels shall be submitted to the racing commissioner, the commissioner of the state lottery, the chairperson of the Michigan gaming control board, the chairs of the senate and house committees on gaming issues, the senate and house of representatives appropriations committees and the director of the department of community health.
- (2) If the director of the department of community health determines that the money in the compulsive gaming prevention fund is inadequate to fund the services, programs, or research required under this act, the Michigan gaming control board may assess a fee on each of the 3 casinos licensed under the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.216, that will equal the additional amount needed to adequately fund the services, programs, and research required under this act.

Section 6: Public funds for treatment of pathological gamblers; legislative intent.

It is the intent of the legislature to preserve the funds appropriated for the department of community health for the treatment of individuals pursuant to the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106. Therefore, public funds for the treatment of pathological gamblers shall be taken exclusively from the compulsive gaming prevention fund.

♣ MICHIGAN REGULATIONS

There are currently no responsible gaming regulations in Michigan.

Training/Education

Section 41-4-7

The State Board of Mental Health shall have the following powers and duties:

- (f) To certify, coordinate and establish minimum standards and establish minimum required services for regional mental health and mental retardation commissions and other community service providers for community or regional programs and services in [...] compulsive gaming, addictive disorders and related programs throughout the state.

MISSISSIPPI REGULATIONS

III. Operations

J. Procedures to Address Problem Gambling

Self-exclusion

Section 1: Definitions

The following words and terms, when used in these regulations concerning self-exclusion procedures J., shall have the following meanings:

- (a) “SELF-EXCLUSION” means voluntarily having oneself barred from the premises of any licensed gaming establishment (hereinafter “casino”) in Mississippi and from all gaming-related activities and privileges, including the issuance of gaming credit and check-cashing privileges; the receipt of direct-marketing and promotional materials regarding gaming opportunities, junket solicitations, player club memberships, complimentary goods and services and the like; and collection of any winnings or recovery of any losses during the exclusionary period.
- (b) “PREMISES” for purposes of self-exclusion shall mean “premises” as defined in the Gaming Control Act, §75-76-5(bb).
- (c) “SELF-EXCLUDED PERSON” means any person whose name is included on the self-exclusion list maintained by the Commission.
- (d) “SELF-EXCLUSION LIST” mean the list of names of self-excluded persons.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Section 2: Request for Self-Exclusion

- (a) Any person may request self-exclusion pursuant to these regulations by appearing personally at any office of the Mississippi Gaming Commission where he or she shall:
 - (1) Present valid identification credentials containing:
 - (A) His or her signature; and
 - (B) Either a photograph or a general physical description;
 - (2) Be photographed by the Commission; and
 - (3) Submit a completed Request for Self-Exclusion form; and
 - (4) Turn over to the Commission all player club cards and similar items issued by any casinos to the person for purposes of gambling.

- (b) The Request for Self-Exclusion shall be on a form prescribed by the Commission, and shall be available at all licensed casinos and at any office of the Mississippi Gaming Commission.
- (c) The Request for Self-Exclusion form shall include:
 - (1) The following identifying information concerning the person submitting the self-exclusion request:
 - (A) Name, including any aliases or nicknames;
 - (B) Date of birth;
 - (C) Address of current residence;
 - (D) Telephone number of current residence;
 - (E) Social Security number, if such information is voluntarily provided by the person requesting self-exclusion;
 - (F) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;
 - (2) The length of the self-exclusion period requested by the person, which may be for any length of time up to lifetime, but in no event for less than five years.
 - (3) A waiver and release that shall be in the following form:

“I hereby release and hold the State of Mississippi, the Mississippi Gaming Commission and its employees, and all casinos and their affiliated companies, employees, officers and agents harmless from any claim by me or any third party for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or maintenance or enforcement of the self-exclusion list, including, but not limited to, the forfeiture of any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list.”
 - (4) The signature of the person submitting the Request for Self- Exclusion indicating acknowledgment of the following statement:

“Because I am a problem gambler, I am voluntarily requesting exclusion from the entire premises of all Mississippi casinos, including gaming premises, restaurants, and hotels, and from the issuance of gaming credit, check-cashing privileges, receipt of direct-marketing and promotional materials regarding gaming opportunities, and collection of any winnings or recovery of any losses during the exclusionary period. I understand that no further points, rewards or benefits may be accumulated or redeemed from the player recognition programs I have participated in. I understand that this self-exclusion request does not release me from any debts incurred prior to or during the self-exclusion period. I understand that during the self-exclusion period, any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture to the Mississippi Gaming Commission for donation to the Mississippi Council on Compulsive Gambling. I hereby consent to having this form, my photograph and identifying information disseminated to necessary casino personnel to identify me should I attempt to return to any casino, and further consent to having said information disclosed to casino affiliated companies outside of Mississippi and that I may be excluded from those casinos without further action on my part. I likewise acknowledge that my self-exclusion information may be forwarded by the Mississippi Gaming Commission to the Louisiana and/or Choctaw Gaming Commissions for dissemination to casinos in those jurisdictions, such that I may be self-excluded from those casinos. I acknowledge that for my request of self-exclusion to be truly effective, I must exercise self-restraint and shall not attempt to enter the premises of any casino or ask any casino employee to assist me with any of the services

or privileges, which are the subject of this request. I acknowledge that I am hereby banned and forbidden from entering the premises of any casino and that if I am found anywhere on the premises of a Mississippi casino, I will immediately be ejected, and, within the discretion of the casino, may be arrested and prosecuted for criminal trespass pursuant to Miss. Code Ann. 97-17-97; and my continued non-cooperation or attempt to breach my self-exclusion may result in placement by the Commission on the involuntary exclusion list. I certify that the information that I have provided herein is true and accurate, and that I have read, understand and agree to the waiver and release above.”

- (5) An indication of the type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or just a general physical description of the person; and
 - (6) The signature of a Commission employee authorized to accept such request, indicating that the signature of the person on the Request for Self-Exclusion appears to agree with that contained on his or her identification credentials, and that the photograph or physical description of the person contained on his identification credentials appears to agree with his or her actual appearance.
- (d) The request for self-exclusion may be made only by the individual for whom exclusion would apply, and not by any other person.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Section 3: Self-Exclusion List

- (a) The Commission shall maintain the official self-exclusion list and shall notify each casino of any addition to or deletion from the list by electronic mail, to be followed up with notification via U.S. Mail and/or in the same manner and form as other notices are made by the Commission under these regulations.
- (b) The notice provided by the Commission to all casinos concerning any person whose name shall be either added to or deleted from the self-exclusion list will include the following information:
 - (1) All of the identifying information required by Section 2(c)(1) which was given on the Request for Self-Exclusion, or the request for removal from self-exclusion, whichever is applicable; and,
 - (2) A copy of the photograph taken by the Commission pursuant to Section 2(a).
- (c) Each casino shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino are notified of any addition to or deletion from the list within ten (10) days after the day the notice is received by the casino.
- (d) Casinos with affiliated gaming establishments in other jurisdictions may choose to share the self-exclusion list with and invoke it in those establishments, in accordance with applicable laws and regulations in those jurisdictions, and without violation of the confidentiality requirements of these regulations.
- (e) Information furnished to or obtained by the Commission pursuant to these regulations shall be deemed confidential and shall not be disclosed except in accordance with these regulations.
- (f) No casino, its affiliates, officers or employee thereof shall disclose the self-exclusion list or portion thereof except as necessary to comply with the provisions of these regulations. Notwithstanding the foregoing, such information may be disclosed to casino employees, officers, agents and affiliated companies, to law enforcement, and in response to a subpoena request or court order in criminal or civil proceedings.

- (g) Prior to the expiration of the self-exclusion period, any self-excluded person may request permission from the Commission to enter a specific casino to carry out the duties of employment in a non-gaming position only. Such requests must be made in writing by the human resources department of the casino and state with specificity the reason for the request along with employment documentation. Approval/denial of the request will be provided to the specified casino and to the excluded person making the request.
- (h) Those persons who are currently self-excluded from one (1) or more casinos upon the effective date of these regulations and whose self-exclusion period has not yet expired shall continue to be self-excluded for the length of time remaining on their self-exclusion period. Said exclusion shall remain effective only for those casinos for which the person requested self-exclusion. At the end of the self-exclusion period, said person's name shall be removed from that casino's self-exclusion list, unless that person submits a request under the procedures set out in these regulations. Those self-exclusion lists referenced above and maintained by the casinos under the prior regulation shall be given the same force and effect, where applicable, as the self-exclusion list provided for in these regulations, until all such persons' self-exclusion periods have expired.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Section 4: Duties of Casino

- (a) Each casino shall have and make available to all patrons the Self-Exclusion Form developed and provided by the Commission.
- (b) Each casino shall designate a person or persons to be the contact person with the Commission for purposes of self-exclusion procedures, including receipt and maintenance of the self-exclusion list, submission of the casino licensee's procedures, and all other communications between the Commission and the casino for self-exclusion purposes.
- (c) Each casino shall establish procedures and systems which:
 - (1) Require employees of the casino, upon identification of a self-excluded person present in the casino, to notify:
 - (A) Those employees of the casino designated to monitor the presence of self-excluded persons; and
 - (B) Designated representatives of the Commission via facsimile transmission and U.S. Mail;
 - (2) Utilize the player tracking systems and other electronic means, including checking all taxable patron winnings against the self-exclusion list, to assist in determining whether self-excluded persons are participating in any gaming activities;
 - (3) Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
 - (4) Ensure that self-excluded persons do not receive, either from the casino or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relative to gaming activities at its licensed casino.
- (d) Each casino shall post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming or cage areas and cash dispensing machines located on the gaming premises written materials concerning the nature and symptoms of problem gambling, the procedure for self-exclusion, including where they can obtain the Request for Self-Exclusion form, and the toll-free number of the Mississippi Council on Compulsive Gambling or a similar entity approved by the Executive Director that provides information and referral services for problem gamblers.

- (e) Upon discovery by a casino that a self-excluded person has breached his self-exclusion and obtained access to the premises, said casino shall take steps to immediately eject such person from the premises, and notify the Commission of the breach. Both the security and surveillance departments shall immediately determine, to the extent possible:
 - (1) How the person was able to gain access to the premises without being detected and, where possible, how the casino plans to prevent such breaches in the future;
 - (2) Whether and how many times said person has gained such access on previous occasions; and
 - (3) The net winnings or losses attributable to the excluded person, in which case the casino shall retain any such winnings and, after withholding appropriate taxes, donate said winnings to the Mississippi Council on Compulsive Gambling. A report of the foregoing shall be prepared and forwarded to the Commission within five (5) days after the breach is discovered.
- (f) Each casino shall submit to the Commission for written approval a copy of its procedures established pursuant to these regulations within 90 days from the adoption of this regulations concerning self-exclusion. Any amendment to the casino's procedures shall be submitted to the Commission at least fourteen (14) days prior to their implementation.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Section 5: Removal from self-exclusion list

- (a) Except for those persons choosing a lifetime self-exclusion, removal from the self-exclusion shall be automatic upon expiration of the period of self-exclusion specified under Section 2(c)(2) above.
- (b) Upon the expiration of the self-exclusion period, the Commission shall delete the name of the person from the self-exclusion list and notify each casino of such deletion from the list as set out in Section 3(a) and (b) above.

(Adopted: 3/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Training/Education

Section 6: Training of Casino Employees

Each casino shall implement procedures for training for all new employees, and annual re-training for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature of problem gambling, the procedures for requesting self-exclusion, and assisting patrons in obtaining information about problem gambling programs. This section shall not be construed to impose a duty upon employees of casinos to identify problem gamblers nor to impose any liability for failure to do so. Each licensee shall designate personnel responsible for maintaining the training program. Training programs conducted or certified by the Mississippi Gaming Commission or the Mississippi Council on Compulsive Gambling are presumed to provide adequate training under this section.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Self-exclusion

Section 7: Noncompliance

- (a) Any casino violating any requirements of these regulations on self-exclusion may be subject to disciplinary action by the Mississippi Gaming Commission.
- (b) Any self-excluded person violating the terms of his or her self-exclusion agreement during the self-excluded period may be subject to (1) conviction for criminal trespass, and/or (2) placement by the Commission on the involuntary exclusion list as set out in Part V. of these regulations.
- (c) The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Section 8: Sharing the Self-Exclusion List with other jurisdictions

The Commission may enter into agreements with the Louisiana Gaming Commission and/or with the Choctaw Gaming Commission for the mutual sharing of self-exclusion lists, by which the Commission would forward Mississippi's self-exclusion list to the other commission and likewise receive from that commission the self-exclusion list from that jurisdiction. The Commission may then provide and update the casinos with the self-exclusion lists from those jurisdictions in the same manner and using the same procedures as is provided in these regulations for Mississippi's self-exclusion list. In that event, all rules and regulations concerning self-exclusion in Mississippi shall be applicable to the self-exclusion lists from those jurisdictions, just as if those persons had submitted a self-exclusion request in Mississippi; likewise, those persons who have self-excluded in Mississippi will be excluded in the other jurisdictions just as they are in Mississippi.

(Adopted: 03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Title XXI: Public Safety and Morals
Chapter 313: Licensed Gaming Activities

Miscellaneous

Section 805: Powers of commission—boats to cruise, exceptions.

- (3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions including providing a maximum loss of five hundred dollars per individual player per gambling excursion;
- (14) To require excursion gambling boat licensees to develop a system, approved by the commission that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

Credit/Cash Access

Section 812: [Conditions of operator license]

- (9) A licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed must be deposited within twenty-four hours. The commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

Self-exclusion

Section 813: Commission authorized to promulgate rules allowing problem gambler to self-exclude—violation of self-exclusion, penalty.

The commission may promulgate rules allowing a person that is a problem gambler to voluntarily exclude him/herself from an excursion gambling boat. Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140, RSMo, if such person enters an excursion gambling boat.

Funding/Revenue Sharing

Section 820: Admission fee, amount, division of—licensees subject to all other taxes, collection of non-gaming taxes by department of revenue—cap on amount to be collected.

- (1) An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person

embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

Section 842: Compulsive gamblers fund, created, purpose—programs may be established—department of mental health to administer—fund not to lapse into general revenue.

There may be established programs which shall provide treatment, prevention and education services for compulsive gambling. As used in this section, “compulsive gambling” means a condition suffered by a person who is chronically and progressively preoccupied with gambling and the urge to gamble. Subject to appropriation, such programs shall be funded from the one-cent admission fee authorized pursuant to section 313.820, and in addition, may be funded from the taxes collected and distributed to any city or county under section 313.822. Such moneys shall be submitted to the state and credited to the “Compulsive Gamblers Fund”, which is hereby established within the department of mental health. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. The department of mental health shall administer programs, either directly or by contract, for compulsive gamblers. The commission may administer programs to educate the public about problem gambling and promote treatment programs offered by the department of mental health. In addition, the commission shall administer the voluntary exclusion program for problem gamblers authorized by section 313.833.

Alcohol Service

Section 840: Liquor licenses on boats and premises, commission to authorize — microbrewer’s license issued, when—judicial review of all commission decisions, appeal.

- (1) The conduct of or playing of any games on any licensed excursion gambling boat does not constitute gambling or gambling activities and the power of the division of liquor control to prohibit the licensing of any premises on which gambling or gambling activities are conducted or played, or to prohibit the consumption or sale of beer or alcoholic beverage on any premises, shall not apply where the premises is duly licensed by the commission. Notwithstanding the provisions of chapter 311 or 312, RSMo, the commission shall be the sole liquor licensing authority for liquor service aboard any excursion gambling boat and any facility neighboring an excursion gambling boat which is owned and operated by an excursion gambling boat licensee. The division of liquor control may issue a microbrewer’s license pursuant to section 311.195, RSMo, for manufacturing on the premises of such boat or neighboring facility. The commission shall establish rules and regulations for the service of liquor on any premises licensed for the service of liquor by the commission, except that no rule or regulation adopted by the commission shall allow any person under the age of twenty-one to consume alcoholic beverages on any premises licensed for the service of liquor by the commission. All criminal provisions of chapter 311 or 312, RSMo, shall be applicable to liquor service aboard any premises licensed for the service of liquor by the commission.

Title 11—Department of Public Safety
Division 45—Missouri Gaming Commission

Miscellaneous

Chapter 6 — Operation of the Riverboat

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit

PURPOSE: *This rule establishes enforcement of five hundred dollar-loss limits.*

- (1) The Class A licensee of an excursion gaming boat shall insure through internal controls that no person shall lose more than five hundred dollars (\$500) during each gambling excursion. The internal controls shall specify the manner in which the five hundred dollar (\$500) limit is enforced.

AUTHORITY: *sections 313.004 and 313.805, RSMo 1994.* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*ORIGINAL AUTHORITY: *313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994.*

Alcohol Service

Chapter 12—Liquor Control

11 CSR 45-12.090 Rules of Liquor Control

- (10) Advertising.

- (a) Prohibited Advertising. No advertisement of intoxicating liquor shall contain any statement offering any coupon, premium, prize, rebate, or sale price below cost or at a discount, as an inducement to purchase intoxicating liquor.

- (22) Complimentary Service of Intoxicating Liquor. An excursion liquor licensee shall not, through actions of his/her own or of an employee, supply any intoxicating liquor in any quantity whatsoever free of charge or as a complimentary to any person on the gaming floor of the premises.

Self-exclusion

Chapter 17—Voluntary Exclusions

11 CSR 45-17.010

Disassociated Persons List Created—Right to Remove From Premises

PURPOSE: *This rule establishes a List of Disassociated Persons which consists of those persons who have voluntarily declared that they will no longer visit excursion gambling boats in Missouri because they are problem gamblers.*

- (1) There is hereby created a “List of Disassociated Persons” which shall consist of those persons who have complied with the provisions of 11 CSR 45-17.010 to 11 CSR 45-17.030 and have been placed on such list by the director. The List of Disassociated Persons is established for the purpose of allowing problem gamblers to formally notify the commission that they no longer intend to visit excursion gambling boats in Missouri and that they wish to seek treatment for their gambling problem. Each person seeking placement on the List of Disassociated Persons acknowledges that it is his/her responsibility to refrain from visiting excursion gambling boats in Missouri and that by being placed on the list s/he shall have a criminal complaint filed against him/her for trespassing if s/he is

discovered on an excursion gambling boat by the commission or any Class A licensee.

- (2) Any Class A licensee or its agent or employee that identifies a person present on an excursion gambling boat and has knowledge that such person is included on the List of Disassociated Persons shall immediately notify or cause to notify the commission and the Class A licensee's senior security officer on duty. Once it is confirmed that the person is on the List, the Class A licensee shall —
 - (A) Notify the commission agent on duty of the presence of a Disassociated Person on the excursion gambling boat. The licensee shall remove the Disassociated Person from the excursion gambling boat. After the Disassociated Person has been removed from the excursion gambling boat, the licensee shall cooperate with the commission agent in reporting the incident to the proper prosecuting authority and request charges be filed under section 569.140, RSMo for criminal trespassing, a class B misdemeanor.
- (3) Any wager placed by a person on the List of Disassociated Persons is hereby declared to be an unauthorized transaction and all chips, tokens and electronic credits in the possession of a Disassociated Person at the time s/he is discovered on an excursion gambling boat are presumed to be items used in exchange for or to facilitate, through the enactment of this rule, a violation of section 313.805(17), RSMo and therefore subject to forfeiture as provided under sections 513.600 to 513.646, RSMo.
- (4) A Class A licensee or its agent(s) or employee(s) may be disciplined by the commission —
 - (A) If it can be shown by a preponderance of the evidence that the Class A licensee or its employee(s) or agent(s) knew a person on the List of Disassociated Persons was present on the excursion gambling boat and despite such knowledge, failed to follow the procedures required by this rule; or
 - (B) The Class A licensee or its employee(s) or agent(s) failed to follow its procedures for complying with the provisions of 11 CSR 45- 17 et. seq.
- (5) All Class A licensees shall have thirty (30) days from the effective date of this rule to submit internal controls that are subject to approval by the commission which set forth the following—
 - (A) The licensee's plan for removing those persons on the List of Disassociated Persons from mailing lists advertising its Missouri operation, such as marketing offers, slot club programs, VIP member programs, telemarketing programs and other such marketing promotions, however this rule shall not be construed to prohibit mass mailings to "Resident"; and
 - (B) The licensee's plan for denying access by persons on the List of Disassociated Persons to —
 - (1) Check cashing privileges;
 - (2) Special club programs such as slot clubs and VIP cards; and
 - (3) The issuance of credit, if applicable.
- (6) Any individual who had been placed on the list and who receives any mailing or marketing material prohibited by subsection (5)(A) shall have a continuing obligation to notify the licensee and the commission of the receipt of such mailing.

AUTHORITY: sections 313.004, 313.805 and 313.832, RSMo 1994.*Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.

*ORIGINAL AUTHORITY: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 313.832, RSMo 1991.

11 CSR 45-17.015**Access to Excursion Gambling Boat for Purposes of Employment**

PURPOSE: *This rule allows Disassociated Persons to enter an excursion gambling boat for the purposes of carrying out the duties of their employment.*

- (1) The provisions of 11 CSR 45-17 et seq. to the contrary notwithstanding, anyone on the List of Disassociated Persons may access an excursion gambling boat for the purpose of carrying out the duties of their employment or to apply for employment. Prior to entering the excursion gambling boat, the Disassociated Person shall notify the commission that they are on the List of Disassociated Persons and the reason their employment or application for employment requires their presence on the excursion gambling boat.
- (2) If the Disassociated Person's employment requires their presence on the excursion gambling boat on a regular basis, the Disassociated Person shall so notify the commission and such notice shall fulfill the notice requirements of section (1) of this rule.

AUTHORITY: *sections 313.004 and 313.805, RSMo 1994 and 313.813, RSMo 2000.*

***ORIGINAL RULE** *filed Oct. 4, 2000, effective May 30, 2001.*

***ORIGINAL AUTHORITY:** *313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991 amended 1992, 1993, 1994, 2000.*

11 CSR 45-17.020**Procedure for Applying for Placement on List of Disassociated Persons**

PURPOSE: *This rule establishes the procedure for placement on the commission's List of Disassociated Persons.*

- (1) The commission may place a person on the List of Disassociated Persons if the person has—
 - (A) Notified the commission in writing of his/her pledge not to visit licensed excursion gambling boats by filing an Application for Placement on the List of Disassociated Persons with the commission on forms provided by the commission. By filing such application the person acknowledges that s/he is a problem gambler and will seek treatment for his/her condition. The applicant agrees that placement on the list is for life and the commission is not authorized to remove a person from the list. In addition, the applicant acknowledges that licensees may use the information provided in the application to notify its affiliated gaming operations that the applicant is a problem gambler. Therefore, the applicant may be excluded from casinos in other jurisdictions as a result of their request to be placed on the Missouri List of Disassociated Persons. Furthermore, by filing such application, the person understands that s/he is granting the commission and all Class A licensees the right to eject them from the premises of all excursion gambling boats and that s/he may be arrested for trespassing if discovered on an excursion gambling boat. Furthermore, the applicant agrees that once placed on the List of Disassociated Persons if s/he is discovered on an excursion gambling boat, all chips, tokens and electronic credits in his/her possession at the time of the discovery will be forfeited. Such application shall include:
 - (1) The person's full name and all aliases;
 - (2) A physical description including height, weight, hair and eye color, skin color and any other noticeable physical characteristics;
 - (3) The person's occupation and current home and business addresses and phone numbers;
 - (4) Social Security number;
 - (5) Date of birth;

- (6) A statement that the applicant believes s/he is a problem gambler;
 - (7) A photograph suitable for the commission and Class A licensees to use in identifying the person requesting to be placed on the List of Disassociated Persons; and
 - (8) Other information as deemed necessary by the commission;
- (B) Had such application verified by a member of the commission's enforcement staff; and
- (C) Signed an affidavit verifying that s/he wishes to be placed on the commission's List of Disassociated Persons, that the commission is specifically authorized and requested to release all contents of the person's application to all Class A licensees and their agents and employees; and
- (D) Neither this Chapter, 11 CSR 45-17, nor any of the rights, duties, or obligations established hereunder, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person other than the commission against the state of Missouri, the commission, any Class A licensee or any of its agents or employees; and
- (E) Any person applying to be placed on the List of Disassociated Persons shall execute a full and complete Waiver/Release on a form provided by the commission releasing the commission, all Class A licensees and all their affiliates and agents as identified in 11 CSR 45-17.040 from any liability associated with acts or omissions relating to the provisions of 11 CSR 45-17 et. seq. as may be amended from time to time.
- (2) Upon receipt of information from the commission that a person has been placed on the List of Disassociated Persons, all Class A licensees shall issue to such disassociated person a notice of trespass, in a form approved by the commission, to be delivered via U.S. mail. The licensee shall provide the commission with a copy of such notice.

AUTHORITY: *sections 313.004, 313.805 and 313.832, RSMo 1994.*

*ORIGINAL RULE FILED *April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.*

EMERGENCY AMENDMENT FILED *March 30, 1999, effective April 9, 1999, expired Jan. 20, 2000. Amended: Filed March 30, 1999, effective Nov. 30, 1999.*

*ORIGINAL AUTHORITY: *313.004, RSMo 1993 amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 313.832, RSMo 1991.*

11 CSR 45-17.030

Procedure for Entry of Names onto List of Disassociated Persons

PURPOSE: *This rule establishes procedures for entry of names onto the List of Disassociated Persons.*

- (1) Upon filing of an application for placement on the List of Disassociated Persons, the director may file a Notice of Placement on the List of Disassociated Persons. Such notice shall be a closed record pursuant to sections 313.847 and 610.021, RSMo; provided that such application and notice may be disclosed to all Class A licensees and their agents and employees.
- (2) The director shall deliver a copy of the Notice of Placement on the List of Disassociated Persons to the applicant via regular U.S. mail to the home address contained on the application. The applicant is deemed to be placed on the List of Disassociated Persons at the time the person executes the application for placement on the List of Disassociated Persons, not at the time such notice is delivered to the applicant.

- (3) Should the director find that an applicant does not qualify for placement on the List of Disassociated Persons, s/he shall so notify the applicant by the procedure set forth in section (2) of this rule.

AUTHORITY: *Sections 313.004 and 313.805, RSMo 1994.*

***ORIGINAL RULE FILED** *April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.*

AMENDED: *Filed March 1, 2000, effective Sept. 30, 2000.*

***ORIGINAL AUTHORITY:** *313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1992, 1993, 1994.*

11 CSR 45-17.040

Confidentiality of List of Disassociated Persons

PURPOSE: *This rule establishes the procedure for maintaining the confidentiality of those placed on the List of Disassociated Persons.*

- (1) The director shall notify each Class A licensee of the placement of any person on the List of Disassociated Persons and may disclose to the Class A licensee and any of its agents or employees any or all information contained on the person's application.
- (2) Each Class A licensee shall submit to the commission a plan for the dissemination of the information regarding persons on the List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the general manager, casino manager, and all security and surveillance personnel. The plan must be approved by the commission. All information disclosed to any Class A licensee regarding anyone placed on the List of Disassociated Persons shall be deemed a closed record, however, the information may be disclosed as authorized by the individual seeking placement on the list, by law and through the provisions contained in this chapter, 11 CSR 45-17.
- (3) Class A licensees may disclose the information contained in the application to its affiliates as defined in subsection (A) of this section, or agents of such affiliates provided that such disclosure is used solely for the purpose of allowing the affiliate or agent of the affiliate to determine whether to deny a person on the List of Disassociated Persons access to areas where gambling games are played. All such disclosures must be made in accordance with procedures approved by the commission. Such information shall not be used to deny a person on the Disassociated Persons List services that are not associated with gambling games such as restaurant service, hotel service or other non-gaming amenities.
 - (A) "Affiliate" means: The holding company, as defined by 11 CSR 45-10.040, or any person sharing a holding company in common with a gaming licensee, provided that the affiliate is in the business of operating gambling games.

AUTHORITY: *Sections 313.004 and 313.805, RSMo 1994 and 610.021, RSMo Supp.1998.*

***ORIGINAL RULE FILED** *April 18, 1996, effective Dec. 30, 1996. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed March 30, 1999, effective Nov. 30, 1999.*

***ORIGINAL AUTHORITY:** *313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 610.021, RSMo 1987, amended 1993, 1995, 1998.*

11 CSR 45-17.050

Removal from List of Disassociated Persons Prohibited

PURPOSE: *This rule states that there is no procedure for removal from the List of Disassociated Persons because the commission believes that dealing with a gambling problem requires lifetime treatment.*

- (1) Any person who has been placed on the List of Disassociated Persons shall remain on the List permanently and may not petition to be removed. The commission shall inform all applicants for placement on the List of Disassociated Persons that such placement is for life and there is no process for removal. The commission bases this policy on the belief that dealing with a gambling problem requires lifetime treatment and that a person is continuously recovering from a gambling addiction.

AUTHORITY: *sections 313.004 and 313.805, RSMo 1994.*

**ORIGINAL RULE FILED April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.*

**ORIGINAL AUTHORITY: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1992, 1993, 1994.*

Funding/Revenue Sharing

TITLE 40—PUBLIC HEALTH AND SAFETY

CHAPTER 458A - PREVENTION AND TREATMENT OF PROBLEM GAMBLING

REVOLVING ACCOUNT TO SUPPORT PROGRAMS FOR THE PREVENTION AND TREATMENT OF PROBLEM GAMBLING

NRS 458A.090 Creation; administration; use of money in Account; annual report concerning grants and contracts awarded.

1. The Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling is hereby created in the State General Fund. The Director shall administer the Account.
2. Except as otherwise provided in this subsection, the money in the Account must be expended only to award grants of money or contracts for services to state agencies and other political subdivisions of the State or to organizations or educational institutions to provide programs for the prevention and treatment of problem gambling or to provide services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance. The Director may use not more than 10 percent of the money in the Account to administer the Account.
3. The existence of the Account does not create a right in any state agency or other political subdivision of the State or in any organization or educational institution to receive money from the Account.
4. On or before January 31 of each year, the Director shall submit to the Director of the Legislative Counsel Bureau a written report concerning any grants of money or contracts for services awarded pursuant to this section during the previous year.

(Added to NRS by 2005, 1528; A 2007, 812)

TITLE 41—GAMING; HORSE RACING; SPORTING EVENTS

CHAPTER 463 - LICENSING AND CONTROL OF GAMING

NRS 463.320 Collection and disposition of state fees for licenses and penalties.

1. All gaming license fees imposed by the provisions of NRS 463.370, 463.373 to 463.383, inclusive, and 463.3855 must be collected and disposed of as provided in this section.
2. All state gaming license fees and penalties must be collected by the Commission and paid over immediately to the State Treasurer to be disposed of as follows:
 - (e) The Commission shall deposit quarterly in the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling created by NRS 458A.090 an amount equal to \$2 for each slot machine that is subject to the license fee imposed pursuant to NRS 463.373 and 463.375 and collected by the Commission.

REGULATION 5

OPERATION OF GAMING ESTABLISHMENTS

5.170 Programs to address problem gambling.

1. As used in this section “licensee” means each person who is licensed to conduct restricted or nonrestricted gaming operations.

Signage/Help Line/Advertising

2. Each licensee shall post or provide in conspicuous places in or near gaming and cage areas and cash dispensing machines located in gaming areas written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number of the National Council on Problem Gambling or a similar entity approved by the chairman of the board that provides information and referral services for problem gamblers.

Training/Education

3. Each licensee shall implement procedures and training for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior and assisting patrons in obtaining information about problem gambling programs. This subsection shall not be construed to require employees of licensees to identify problem gamblers. Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures. Training programs conducted or certified by the Nevada Council on Problem Gambling are presumed to provide adequate training for the period certified by the Nevada Council on Problem Gambling.

Self-exclusion

4. Each licensee that engages in the issuance of credit, check cashing, or the direct mail marketing of gaming opportunities, shall implement a program containing the elements described below, as appropriate, that allows patrons to self-limit their access to the issuance of credit, check cashing, or direct mail marketing by that licensee. As appropriate, such program shall contain, at a minimum, the following:
 - (a) The development of written materials for dissemination to patrons explaining the program;
 - (b) The development of written forms allowing patrons to participate in the program;
 - (c) Standards and procedures that allow a patron to be prohibited from access to check cashing, the issuance of credit, and the participation in direct mail marketing of gaming opportunities;
 - (d) Standards and procedures that allow a patron to be removed from the licensee’s direct mailing and other direct marketing regarding gaming opportunities at that licensee’s location; and
 - (e) Procedures and forms requiring the patron to notify a designated office of the licensee within 10 days of the patron’s receipt of any financial gaming privilege, material or promotion covered by the program.

5. The chairman of the board may request that any licensee submit any of the elements of the licensee's program described in subsections 2 through 4 to the chairman for review. If the chairman makes an administrative determination that the licensee's program does not adequately address the standards as set forth in subsections 2 through 4 above, then the chairman may issue such a determination identifying the deficiencies and specifying a time certain within which such deficiencies must be cured. Any licensee affected by such an administrative determination may appeal the determination as provided in NGC Regulations 4.190 and 4.195.
6. Failure by a licensee to establish the programs set forth in subsections 2 through 4, or to cure a deficiency identified pursuant to subsection 5, constitutes an unsuitable method of operation and is grounds for disciplinary action.
7. Subsections 1, 2, 5, 6 and 7 of this regulation shall become effective on January 1, 1999. Subsections 3 and 4 shall become effective March 31, 1999.

(Adopted: November 1998. Effective as identified in subsection 7.)

Signage/Help Line/Advertising

5:12-70. Required regulations

The commission shall, without limitation on the powers conferred in the preceding section, include within its regulations the following specific provisions in accordance with the provisions of this act:

- (o) Governing the gaming-related advertising of casino licensees, their employees and agents, with the view toward assuring that such advertisements are in no way deceptive; provided, however, that such regulations:
 - (1) Shall not prohibit the advertisement of casino location, hours of operation, or types of games and other amenities offered;
 - (2) Shall prohibit the advertisement of information about odds, the number of games, and the size of the casino or simulcasting facility; and
 - (3) Shall require the words “Bet with your head, not over it,” or some comparable language approved by the commission, to appear on all billboards, signs, and other on-site advertising of a casino operation and shall require the words “If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER,” or some comparable language approved by the commission, which language shall include the words “gambling problem” and “call 1-800 GAMBLER,” to appear legibly on all print, billboard, and sign advertising of a casino operation;

Self-exclusion

5:12-71.2 List of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities; procedures; establishment; liability

- (1) (a) The commission shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.
- (b) The regulations of the commission shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed casinos and simulcasting facilities of identifying information concerning self-excluded persons, and shall require licensed casinos and simulcasting facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complementaries, check cashing privileges club programs, and other similar benefits.
- (c) A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:
 - (1) The failure of a licensed casino or simulcasting facility to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person; or
 - (2) Otherwise permitting a self-excluded person to engage in gaming activity in such licensed casino or simulcasting facility while on the list of self-excluded persons.

- (d) Notwithstanding the provisions of P.L.1977, c. 110 (C.5:12-1 et seq.) or any other law to the contrary, the commission's list of self-excluded persons shall not be open to public inspection. Nothing herein, however, shall be construed to prohibit a casino licensee from disclosing the identity of persons self-excluded pursuant to this section to affiliated gaming entities in this State or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by such gaming affiliated entities.
- (e) A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any self-excluded person.

L.2001, c. 39, § 1, effective March 23, 2001.

Amended by: L.2002, c. 65, § 12, effective Aug. 14, 2002.

5:12-71.3. Penalties for gaming by prohibited persons

- (2) (a) A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L.1977, c.110 (C.5:12-1 et seq.) or any order of the commission or court of competent jurisdiction, including any person on the self-exclusion list pursuant to section 1 of P.L.2001, c.39 (C.5:12-71.2), shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.
- (b) For the purposes of P.L.1977, c.110 (C.5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.
- (c) In addition to any other penalty provided by law, any money or thing or value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture by order of the commission, on complaint of the division, following notice to the prohibited person and opportunity to be heard.

Of any forfeited amount under \$100,000, one-half shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for compulsive gambling treatment and prevention programs in the State and the remaining one-half shall be deposited into the Casino Revenue Fund. Of any forfeited amount of \$100,000 or more, \$50,000 shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for compulsive gambling treatment and prevention programs and the remainder shall be deposited into the Casino Revenue Fund.

- (d) In any proceeding brought by the division against a licensee or registrant pursuant to section 108 of P.L.1977, c.110 (C.5:12-108) for a willful violation of the commission's self-exclusion regulations, the commission may order, in addition to any other sanction authorized by section 129 of P.L. 1977, c.110 (C.5:12-129), the forfeiture of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subsection c. of this section. L.2001,c.39,s.2.

Credit/Cash Access

5:12-101. Credit

- (j) A person may request the commission to put that person's name on a list of persons to whom the extension of credit by a casino as provided in this section would be prohibited by submitting to the commission the person's name, address, and date of birth. The person does not need to provide a reason for this request. The commission shall provide this list to the credit department of each casino; neither the commission nor the credit department of a casino shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have that person's name removed from the list, the person shall submit this request to the commission, which shall so inform the credit departments of casinos no later than three days after the submission of the request.

Funding/Revenue Sharing

5:12-145. Casino revenue fund

- (a) There is hereby created and established in the Department of the Treasury a separate special account to be known as the "Casino Revenue Fund," into which shall be deposited all revenues from the tax imposed by section 144 of this act; the investment alternative tax imposed by section 3 of P.L.1984, c.218 (C.5:12-144.1); and all penalties levied and collected by the commission pursuant to P.L.1977, c.110 (C.5:12-1 et seq.) and the regulations promulgated thereunder, except that the first \$600,000 in penalties collected each fiscal year shall be paid into the General Fund for appropriation by the Legislature to the Department of Health, \$500,000 of which is to provide funds to the Council on Compulsive Gambling of New Jersey and \$100,000 of which is to provide funds for compulsive gambling treatment programs in the State. In the event that less than \$600,000 in penalties are collected, the Department of Health shall determine the allocation of funds between the Council and the treatment programs eligible under the criteria developed pursuant to section 2 of P.L.1993, c.229 (C.26:2-169).

Miscellaneous

26:2BB-4. Authority, powers of council

Chapter 2BB: Governor's Council on Alcoholism and Drug Abuse

The Governor's Council on Alcoholism and Drug Abuse is authorized and empowered to:

- (h) Evaluate the need for, and feasibility of, including other addictions, such as smoking and gambling, within the scope and responsibility of the council;

NEW JERSEY REGULATIONS

Self-exclusion

19:48-2.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Self-excluded person" means any person whose name is included, at his or her own request, on the self-exclusion list maintained by the Commission. "Self-exclusion list" means a list of names of persons who, pursuant to this subchapter, have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at all licensed casinos and simulcasting facilities.

Adopted effective Sept. 4, 2001; operative Sept. 10, 2001.

19:48-2.2 Request for self-exclusion

- (a) Any person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this section.
- (b) Any person requesting placement on the self-exclusion list shall submit, in person, a completed request for self-exclusion as required in (c) below. The request shall be delivered to either the Employee License Information Unit of the Commission located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. The Commission may designate other locations for submission of completed requests for self-exclusion in accordance with these rules, which locations may be designated on a temporary basis. Any person submitting a self-exclusion request shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description. Any person requesting self-exclusion pursuant to this subchapter shall be required to have his or her photograph taken by the Commission or Division upon submission of the request.
- (c) A request for self-exclusion shall be in a form prescribed by the Commission, which form shall include:
 - (1) The following identifying information concerning the person submitting the request for self-exclusion:
 - (i) Name, including any aliases or nicknames;
 - (ii) Date of birth;
 - (iii) Address of current residence;
 - (iv) Telephone number of current residence; and
 - (v) Social security number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. 552a; and
 - (vi) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.
 - (2) The length of minimum self-exclusion requested by the person:
 - (i) One year;
 - (ii) Five years; or
 - (iii) Lifetime.
 - (3) A waiver and release which shall release and forever discharge the State of New Jersey, the Commission and its employees, the Division and its employees and agents, and all casino licensees and their employees and agents from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or request for removal from the self-exclusion list, including:
 - (i) Its processing or enforcement;
 - (ii) The failure of a casino licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;
 - (iii) Permitting a self-excluded person to engage in gaming activity in a licensed casino or simulcasting facility while on the list of self-excluded persons; and
 - (iv) Disclosure of the information contained in the self-exclusion request or list, except for a willfully unlawful disclosure of such information.

- (4) The signature of the person submitting the request for self-exclusion indicating acknowledgment of the following statement:

“I am voluntarily requesting exclusion from all gaming activities at all New Jersey licensed casinos and simulcasting facilities because I am a problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read and understand and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Casino Control Commission to direct all New Jersey casino licensees to restrict my gaming activities in accordance with this request and, unless I have requested to be excluded for life, until such time as the Commission removes my name from the self-exclusion list in response to my written request to terminate my voluntary self-exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect any winnings or recover any losses resulting from any gaming activity at all licensed casinos and simulcasting facilities, and that any money or thing of value obtained by me from, or owed to me by, a casino licensee as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture.”;

- (5) The type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or general physical description of the person; and
- (6) The signature of a Commission or Division employee authorized to accept such request, indicating that the signature of the person on the request for self-exclusion appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.

Adopted effective Sept. 4, 2001; operative Sept. 10, 2001.

19:48-2.3 Self-exclusion list

- (a) The Commission shall maintain the official self-exclusion list and shall notify each casino licensee of any addition to or deletion from the list by depositing a notice in the mail slot of each casino licensee in accordance with the provisions of N.J.A.C. 19:40-3.3(d).
- (b) Each casino licensee shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino licensee are notified of any addition to or deletion from the list within five business days after the day the notice is deposited in its mail slot pursuant to (a) above. The notice provided by the Commission shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:
- (1) Name, including any aliases or nicknames;
 - (2) Date of birth;
 - (3) Address of current residence;
 - (4) Telephone number of current residence;
 - (5) Social security number, if voluntarily provided by the person requesting self-exclusion;
 - (6) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person; and
 - (7) A copy of the photograph taken by the Commission or Division pursuant to N.J.A.C. 19:482.2(b).

- (c) Information furnished to or obtained by the Commission or Division pursuant to this subchapter shall be deemed confidential and not be disclosed except in accordance with this subchapter and N.J.A.C. 19:40-4.
- (d) No casino licensee or employee or agent thereof shall disclose the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the casino licensee whose duties and functions require access to such information. Notwithstanding the foregoing, a casino licensee may disclose the name of and information about a self-excluded person to appropriate employees of other casino licensees in Atlantic City for the purpose of alerting other casino licensees that a self-excluded person has tried to gamble or obtain gaming related privileges or benefits in the casino licensee's casino or simulcasting facility.

Adopted effective Sept. 4, 2001; operative Sept. 10, 2001.

19:48-2.4 Duties of casino licensee

- (a) Each casino licensee shall establish procedures that are designed, to the greatest extent practicable, to:
 - (1) Permit appropriate employees of the casino licensee to identify a self-excluded person when present in a casino or simulcasting facility and, upon such identification, notify:
 - (i) Those employees of the casino licensee designated to monitor the presence of self-excluded persons; and
 - (ii) Designated representatives of the Commission and Division;
 - (2) Refuse wagers from and deny any gaming privileges to any self-excluded person;
 - (3) Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
 - (4) Ensure that self-excluded persons do not receive, either from the casino licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed casino or simulcasting facility; and
 - (5) Enforce the provisions of N.J.A.C. 19:48-2.3(d).
- (b) Without limitation of the requirements imposed by (a) above, each casino licensee shall, upon notification that a person has been added to or deleted from the self-exclusion list, comply with all relevant provisions of N.J.A.C. 19:45-1.27A as if such person has also been added to or deleted from the list of persons who have requested suspension of their credit privileges pursuant to that section.
- (c) Each casino licensee shall submit to the Commission and Division a copy of its procedures established pursuant to N.J.A.C. 19:48-2.3(b) and (a) and (b) above by October 4, 2001. Any amendments to said procedures shall be submitted to the Commission and Division at least three business days prior to their implementation. If the Commission and Division do not object to said procedures or amendments thereto, such procedures or amendments shall be deemed to be approved.

Adopted effective Sept. 4, 2001; operative Sept. 10, 2001.

19:48-2.5 Removal from self-exclusion list

- (a) Except for those persons choosing a life-time self-exclusion, any self-excluded person may, upon the expiration of the period of self-exclusion requested pursuant to N.J.A.C. 19:48-2.2(c)2, request removal of his or her name from the self-exclusion list by submitting, in person, a completed request for removal as required in (b) below. The request shall be delivered to either the Employee License

Information Unit of the Commission located at the Arcade Building, Tennessee Avenue and the Boardwalk, in Atlantic City, or to the Trenton office of the Division of Gaming Enforcement located at 140 East Front Street. Any person submitting a request for removal from the list shall be required to present valid identification credentials containing his or her signature and either a photograph or a general physical description.

- (b) A request for removal from the self-exclusion list shall be in a form prescribed by the Commission, which form shall include:
 - (1) The identifying information specified in N.J.A.C. 19:48-2.2(c)(1)i through iv;
 - (2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Commission to permit all New Jersey casino licensees to reinstate my gaming privileges at licensed casinos and simulcasting facilities.”;
 - (3) The type of identification credentials examined containing the signature of the person requesting removal from the self-exclusion list, and whether said credentials included a photograph or general physical description of the person; and
 - (4) The signature of a Commission or Division employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance.
- (c) The Commission shall, by the end of the fifth business day following receipt of the request, delete the name of the person requesting removal from the self-exclusion list and notify each casino licensee of such removal by depositing a notice in the mail slot of each casino licensee in accordance with the provisions of N.J.A.C. 19:40-3.3(d).

Adopted effective Sept. 4, 2001; operative Sept. 10, 2001.

List of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities; procedures; establishment; liability

- (a) The commission shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.
- (b) The regulations of the commission shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed casinos and simulcasting facilities of identifying information concerning self-excluded persons, and shall require licensed casinos and simulcasting facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complementaries, check cashing privileges club programs, and other similar benefits.

- (c) A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:
 - (1) The failure of a licensed casino or simulcasting facility to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person; or
 - (2) Otherwise permitting a self-excluded person to engage in gaming activity in such licensed casino or simulcasting facility while on the list of self-excluded persons.
- (d) Notwithstanding the provisions of P.L.1977, c. 110 (C.5:12-1 et seq.) or any other law to the contrary, the commission's list of self-excluded persons shall not be open to public inspection.
- (e) A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any self-excluded person.

L.2001, c. 39, § 1, effective March 23, 2001.

5:12-71.3 Excluded person; forfeiture of winnings; other sanctions

- (a) A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L.1977, c. 110 (C.5:12-1 et seq.) or any order of the commission or court of competent jurisdiction, including any person on the self-exclusion list pursuant to section 1 of P.L.2001, c. 39 (C.5:12-71.2), shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.
- (b) For the purposes of P.L.1977, c. 110 (C.5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.
- (c) In addition to any other penalty provided by law, any money or thing or value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture by order of the commission, on complaint of the division, following notice to the prohibited person and opportunity to be heard. Of any forfeited amount under \$100,000, one-half shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for compulsive gambling treatment and prevention programs in the State and the remaining one-half shall be deposited into the Casino Revenue Fund. Of any forfeited amount of \$100,000 or more, \$50,000 shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for compulsive gambling treatment and prevention programs and the remainder shall be deposited into the Casino Revenue Fund.
- (d) In any proceeding brought by the division against a licensee or registrant pursuant to section 108 of P.L. 1977, c. 110 (C. 5:12-108) for a willful violation of the commission's self-exclusion regulations, the commission may order, in addition to any other sanction authorized by section 129 of P.L. 1977, c. 110 (C.5:12-129), the forfeiture of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subsection c. of this section.

L.2001, c. 39, § 2, effective March 23, 2001.



Training/Education

60-2E-26. Gaming operator licensees; general provisions; business plan; player age limit; restrictions.

- A. An applicant for licensure as a gaming operator shall submit with the application a plan for assisting in the prevention, education and treatment of compulsive gambling. The plan shall include regular educational training sessions for employees. Plan approval is a condition of issuance of the license.

Funding/Revenue Sharing

60-2E-47. Gaming tax; imposition; administration.

- E. In addition to the gaming tax, a gaming operator licensee that is a racetrack shall pay twenty percent of its net take to purses to be distributed in accordance with rules adopted by the state racing commission. An amount not to exceed twenty percent of the interest earned on the balance of any fund consisting of money for purses distributed by racetrack gaming operator licensees pursuant to this subsection may be expended for the costs of administering the distributions. A racetrack gaming operator licensee shall spend no less than one-fourth of one percent of the net take of its gaming machines to fund or support programs for the treatment and assistance of compulsive gamblers.

History: Laws 1997, ch. 190, § 49; 1998, ch. 15, § 1; 1999, ch. 187, § 1; 2001, ch. 256, § 1; 2001, ch. 262, § 3; 2002, ch. 48, § 1; 2005, ch. 350 § 2.



Training/Education

15.1.5.15 Compulsive Gambling Assistance Plan:

- A. An applicant for a gaming operator's license shall submit with the application a plan for assisting in the prevention, education, and treatment of compulsive gambling. The plan shall include all information required in 15.1.18 NMAC.
- B. No gaming operator's application shall be approved unless the board first approves the applicant's compulsive gambling assistance plan.
- C. Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer the plan once implemented shall be grounds for suspension or revocation of the gaming operator's license, assessment of a fine, or both.
- D. The board shall establish minimum standards for the content, structure and implementation of, and periodic reporting requirements on, the compulsive gambling assistance plan.
- E. The board may contract with the state of New Mexico department of health or such other entity deemed qualified by the department of health to provide technical assistance in reviewing and recommending to the board approval of compulsive gambling assistance plans.

[11/30/98; 15.1.5.15 NMAC - Rn & A, 15 NMAC 1.5.15, 3/31/00; A, 2/14/02; A, 2/28/05]

15.1.13.8 Annual Renewal of License or Work Permit:

- B. A complete renewal application and payment of all applicable fees for renewal of a license shall be filed with the board not less than sixty (60) days prior to the date the license expires. The renewal application shall be submitted on forms provided by the board. Gaming operator licensees shall submit compulsive gambling plans with the renewal application.

15.1.17.9 Schedule of Violations:

- C. Miscellaneous violations include.

(7) Failure to implement or maintain compulsive gambling assistance plan.

*Funding/Revenue Sharing***15.1.18.12 Compulsive Gambling Distribution:**

A racetrack gaming operator shall spend all funds required by statute to fund or support programs for the treatment and assistance of compulsive gamblers each year within 120 days after the close of the licensee's fiscal year.

- A. Racetracks shall spend no more than 15% on administrative costs, including the salary of the plan manager or other person responsible for ensuring that the plan is implemented and administered and for marketing of compulsive gambling issues.
- B. Racetracks shall spend the remainder of the compulsive gambling funds on compulsive gambling training for employees, crisis intervention and prevention programs, gambling assistance and treatment, and a helpline as identified in the plan and approved by the board.

[15.1.18.12 NMAC - N, 5/14/04; A, 2/28/05]

*Training/Education***N.Y. Mental Hygiene Law '19.07: Office of alcoholism and substance abuse services; scope of responsibilities [excerpt]**

- (d) The office of alcoholism and substance abuse services shall foster programs for the training and development of persons capable of providing the foregoing services, including but not limited to a process of issuing, either directly or through contract, credentials for alcoholism and substance abuse counselors or gambling addiction counselors in accordance with the following:
- (1) The office shall establish minimum qualifications for counselors in all phases of delivery of services to persons and their families who are suffering from alcohol and/or substance abuse and/or chemical dependence and/or compulsive gambling that shall include, but not be limited to, completion of approved courses of study or equivalent on-the-job experience in alcoholism and substance abuse counseling and/or counseling of compulsive gambling.
 - (i) The office shall establish procedures for issuing, directly or through contract, credentials to counselors who meet minimum qualifications, including the establishment of appropriate fees, and shall further establish procedures to suspend, revoke, or annul such credentials for good cause. Such procedures shall be promulgated by the commissioner by rule or regulation.
 - (ii) The commissioner shall establish a credentialing board which shall provide advice concerning the credentialing process.
 - (2) The establishment, with the advice of the advisory council on alcoholism and substance abuse services, of minimum qualifications for counselors in all phases of delivery of services to those suffering from alcoholism, substance and/or chemical abuse and/or dependence and/or compulsive gambling and their families that shall include, but not be limited to, completion of approved courses of study or equivalent on-the-job experience in counseling for alcoholism, substance and/or chemical abuse and/or dependence and/or compulsive gambling, and issue credentials to counselors who meet minimum qualifications and suspend, revoke, or annul such credentials for good cause in accordance with procedures promulgated by the commissioner by rule or regulation.
 - (3) For the purpose of this title, the term “credentialed alcoholism and substance abuse counselor” or “C.A.S.A.C.” means an official designation identifying an individual as one who holds a currently registered and valid credential issued by the office of alcoholism and substance abuse services pursuant to this section which documents an individual’s qualifications to provide alcoholism and substance abuse counseling. The term “gambling addiction counselor” means an official designation identifying an individual as one who holds a currently registered and valid credential issued by the office of alcoholism and substance abuse services pursuant to this section which documents an individual’s qualifications to provide compulsive gambling counseling.
 - (i) No person shall use the title credentialed alcoholism and substance abuse counselor or “C.A.S.A.C.” or gambling addiction counselor unless authorized pursuant to this title.
 - (ii) Failure to comply with the requirements of this section shall constitute a violation as defined in the penal law.
 - (4) All persons holding previously issued and valid alcoholism or substance abuse counselor credentials on the effective date of amendments to this section shall be deemed C.A.S.A.C. designated.

Signage/Help Line/Advertising

N.Y. Mental Hygiene Law '19.09. Powers of the office and commissioner; how exercised [excerpt]

- (h) The commissioner shall promulgate rules and regulations requiring the state racing and wagering board and the state lottery division to provide for the posting of signs in facilities licensed by the state racing and wagering board to conduct pari-mutuel wagering and facilities licensed by the state lottery division advising where to get help in dealing with a compulsion to gamble. In addition, the information contained on such signs shall be posted on the internet at appropriate internet sites. Such signs and information posted on the internet shall include, but not be limited to, notice of the availability of one or more organizations, approved by the commissioner, which offer assistance in the prevention and treatment of compulsive gambling. Such signs, not less than eight and one-half inches by eleven inches, shall be conspicuously posted by the facility which is conducting the gambling. Such signs shall be available at the state racing and wagering board, the state lottery division, and the office of alcoholism and substance abuse services and shall be distributed by the appropriate licensing agency.

Training/Education

N.Y. Mental Hygiene Law '19.15. Programs of the office of alcoholism and substance abuse services. [excerpt]

- (i) The commissioner shall develop plans, and cause to be promoted, programs and services related to compulsive gambling education, prevention and treatment consistent with section 41.57 of this chapter. He or she shall take all actions that are necessary, desirable, or proper to implement the purposes of this chapter and to carry out the purposes and objectives of the department within the amounts made available therefore by appropriation, grant, gift, devise, bequest or allocation from the problem and compulsive gambling education, prevention and treatment fund established under section ninety-nine-i of the state finance law, as amended by section one of part Y of chapter sixty-three of the laws of two thousand three.

Funding/Revenue Sharing

N.Y. Mental Hygiene Law '26.00. Funding of chemical dependence services and compulsive gambling services

- (a) With respect to the provision of state aid for chemical dependence services as defined in subdivisions forty-five and fifty-five of section 1.03 of this chapter and, for chemical dependence services and compulsive gambling services, further subject to approval by the office of alcoholism and substance abuse services pursuant to article thirty-two of this chapter, within appropriations made therefor, the commissioner of the office of alcoholism and substance abuse services shall make grants for approved net operating and/or capital costs in accordance with this section.
- (b) In the course of providing such state aid, the office of alcoholism and substance abuse services shall approve operating and capital costs for chemical dependence services and compulsive gambling services on such terms and in such manner as the office may deem appropriate.
- (c) Financial support made under this section shall be subject to the approval of the director of the budget.
- (d) For the purposes of this section, the definitions contained in section 41.03 of this chapter shall apply.
- (e) For the purposes of this section, "state aid" shall mean funding provided through appropriations of the office of alcoholism and substance abuse services, with the exclusion of appropriations for the purpose of medical assistance.

- (f) For the purposes of this section, “voluntary contributions” shall be defined in regulation, and the commissioner of the office of alcoholism and substance abuse services is hereby authorized to issue such regulations.
- (g) For the purposes of this section, “approved net operating cost” shall mean the remainder of total operating costs approved by the office of alcoholism and substance abuse services, less all sources of revenue, including voluntary contributions not otherwise restricted by law or applied as permitted under paragraph two of subdivision (h) of this section other than state aid or local tax levy contributed pursuant to this article or article twenty-five or forty-one of this chapter.
- (h) Alcoholism or substance abuse treatment services funded pursuant to article twenty-five or forty-one of this chapter under a contract with either the state or a local government, upon conversion to an operating certificate for chemical dependence services in accordance with this chapter, shall be eligible for reimbursement for the continuation of such services as follows:
 1. State aid may be made available to support the same proportion of approved net operating costs as were financed by state aid under the contract in place prior to the conversion;
 2. Voluntary contributions in excess of amounts at conversion may be used to satisfy any increase in local funding necessary to receive an increase in state aid above amounts provided prior to conversion;
 3. Nothing in this subdivision shall be construed to require the state to increase such state aid should a local government choose to remove its local tax levy support of a certified program, although the state may choose to do so to address an urgent public need, or conversely, may reduce its state aid by the same percentage as the reduction in local tax levy; and
 4. None of the provisions within this subdivision shall be construed to apply to the expansion of programs beyond the services in place as of the date of the conversion to a chemical dependence operating certificate.
- (i) State aid for the creation or expansion of chemical dependence services and compulsive gambling services may be reimbursed at a rate of up to one hundred percent of approved net operating cost.
- (j) In addition to support of approved net operating costs, state aid may be granted to a local government or a voluntary agency for capital costs associated with the provision of chemical dependence services and compulsive gambling services at a rate of up to one hundred percent of approved capital costs. Such state aid shall not be granted unless and until such local government or voluntary agency is in compliance with all regulations promulgated by the commissioner regarding the financing of capital projects.

Training/Education

N.Y. Mental Hygiene Law ’32.02. Regulation and quality control of compulsive gambling services.

- (a) The commissioner may adopt any regulation reasonably necessary to regulate and ensure high quality of services to individuals suffering from compulsive gambling.
- (b) The requirements of this article are applicable to this section.

N.Y. Mental Hygiene Law ’41.57. Compulsive gambling education and treatment program.

Notwithstanding any inconsistent provisions of this article and within amounts made available therefor by appropriation, the commissioner is authorized to develop, expand, operate or cause to be operated compulsive gambling education and treatment programs. The commissioner may employ any consultants deemed necessary to effectuate the purpose of this section and enter into contract with any not-for-profit

corporation for provision of appropriate services. On the thirtieth day of January after the effective date of this section and each January thirtieth thereafter, the commissioner shall submit to the governor and the legislature a report detailing the implementation of this section and making recommendations for future development of compulsive gambling education and treatment programs.

Funding Revenue/Sharing

N.Y. State Finance Law '99-i. Problem and compulsive gambling education, prevention and treatment fund.

1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "problem and compulsive gambling education, prevention and treatment fund".
2. Such fund shall consist of all other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law.
3. Moneys of the fund, following appropriation by the legislature, shall be expended only for the development, expansion, and operation of compulsive or problem gambling education, prevention and treatment programs conducted in accordance with section 41.57 of the mental hygiene law. Moneys for such purposes shall be used to the extent that they are available within the fund.
4. The moneys of the fund shall be paid out on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of alcoholism and substance abuse services. At the end of each year, any moneys remaining in the fund shall be retained in the fund and shall not revert to the general fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the fund.

Signage/Help Line/Advertising

N.Y. Racing, Pari-Mutuel Wagering and Breeding Law '108. Compulsive gambling assistance.

1. The chairperson of the board shall cooperate with the commissioner of alcoholism and substance abuse services to ensure the posting of signs and listing of information on the internet designed to assist compulsive gamblers pursuant to the provisions of subdivision (h) of section 19.09 of the mental hygiene law.

Self-exclusion

2. a. The board shall promulgate rules and regulations pursuant to which people may voluntarily exclude themselves from entering the premises of an association or corporation licensed or enfranchised under article two, three, or four of this chapter or a facility licensed under section one thousand eight or one thousand nine of this chapter.
- b. An association or corporation licensed or enfranchised under article two, three, or four of this chapter or a facility licensed under section one thousand eight or one thousand nine of this chapter shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of a self-excluded person's engaging in gambling activity while on the list of self-excluded persons; provided that nothing contained in this paragraph shall limit the liability of any such association, corporation, or facility for any other acts or omissions under any other statutory law or under the common law.
- c. No voluntary order or request to exclude persons from entering the premises of any such association, corporation, or facility may be rescinded, canceled, or declared null and void until seven days after a request has been received by such association, corporation, or facility to cancel such order or request.

Miscellaneous

3. The board shall promulgate rules and regulations under which a person with an account authorized pursuant to section one thousand twelve of this chapter may voluntarily place limits on the amounts of his or her wagers or potential wagers on a daily or weekly basis. No order from a person to remove any limit placed on account wagers shall be effective until seven days after it has been received by the entity conducting account wagering.

Signage/Help Line/Advertising

N.Y. Tax Law '1604-a. Posting of signs to assist compulsive gamblers

The division shall cooperate with the commissioner of mental health to ensure the posting of signs designed to assist compulsive gamblers pursuant to the provisions of subdivision (g) of section 7.09 of the mental hygiene law.



NEW YORK REGULATIONS

Training/Education

14 N.Y.C.R.R. '509.2: Legal base

- (a) Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.
- (b) Section 7.09(g) authorizes the Commissioner of Mental Health to promulgate rules and regulations requiring the State Racing and Wagering Board and State Lottery Division to ensure the provision of information within wagering establishments, buildings and facilities which gives notice of one or more organizations which can provide assistance in dealing with problem or compulsive gambling.

Signage/Help Line/Advertising

14 N.Y.C.R.R. '509.6. Requirements of State Racing and Wagering Board

- (a) The State Racing and Wagering Board shall ensure the posting of signs in all facilities and organizations which are licensed by or come under the auspice of the Board which advise individuals where they may receive assistance in dealing with a problem or compulsive gambling.
- (b) Such signs shall include, but not be limited to, a notice of the availability of one or more organizations, approved by the Commissioner of Mental Health, which offer assistance in dealing with problem or compulsive gambling. The signs shall be conspicuously posted as follows:
 - (1) At all Off-Track Betting Facilities there shall be one sign posted for each set of betting windows and one sign posted at the entrance to the facility.
 - (2) At all race tracks there shall be two signs posted on each level of pari-mutuel windows and one sign posted at the entrance to the facility.
- (c) It shall be the responsibility of the Office of Mental Health to provide the State Racing and Wagering Board with samples of the approved sign for their reproduction and posting.

Training/Education

14 N.Y.C.R.R. '822.10. Additional requirements applicable to services that provide compulsive gambling treatment

(a) Definitions.

- (i) Compulsive Gambling, means pathological gambling, the psychological inability to resist impulses to gamble, characterized by a continuous or periodic loss of control over gambling, a preoccupation with gambling and with obtaining money with which to gamble, irrational thinking, and a continuation of the behavior despite adverse consequences. Pathological gambling is identified through the pathological gambling diagnostic criteria set forth in either the International Classification of Diseases, ninth revision, or other office approved protocol. It also includes issues relating to problem gambling.
 - (ii) Compulsive Gambling Counselor means a person who is authorized by the office to provide compulsive gambling treatment.
- (b) An outpatient service that provides compulsive gambling treatment services to individuals who have a chemical dependency diagnosis shall provide the following services:
- (i) Treatment Planning: The treatment plan must identify the following:
 - (a) financial goals and planning;
 - (b) mental health issues including suicidal issues; and
 - (c) other issues relating to the compulsive gambling condition.
 - (ii) Individual Sessions: Individual sessions should be conducted to address the patient's gambling behaviors and consequences and how they relate to their chemical dependency.
 - (iii) Group Sessions: Group sessions should be conducted to address the patient's gambling behaviors and consequences as well as how it impacts their chemical dependency. Group categories may include early gambling recovery, ongoing gambling recovery, relapse prevention, and specialized recovery groups. Referrals to ongoing community support groups should be made available.
 - (iv) Family and Couples Counseling: Family and couples counseling should be made available unless otherwise indicated.
 - (v) Education Information: Educational information related to the impact of problem and compulsive gambling shall be provided to patients. This shall include information about diagnosis, progression, types of gamblers, stages of compulsive gambling, impact on self, family, and community, financial and suicidal impacts, as well as the physiological and psychological challenges that result from problem and compulsive gambling behaviors. It also must address the similarities and differences of problem and compulsive gambling and chemical abuse and dependency.
- (c) Compulsive gambling treatment can only be administered by a Compulsive Gambling Counselor.

Signage/Help Line/Advertising

21 N.Y.C.R.R. '2836-18.6. Advertising [applicable to video lottery gaming facilities]

(a) Advertising generally.

1. The content or concept of all advertising and any advertisement shall be included in the marketing plan approved by the division and shall be subject to advance review and approval of the division. The failure of the video lottery gaming agent, or any of its agents, to submit any

concept(s), advertising or advertisement to the division, or complete the annual plan shall be a violation of the video lottery gaming agent's license, the act and these regulations.

2. A video lottery gaming agent shall be responsible for all advertising and advertisements which are made by its agents or representatives, regardless of whether the video lottery gaming agent participated directly in its development, preparation, placement or dissemination. In the event such advertising or advertisements are not included in the approved marketing plan, such advertising or advertisements shall not be entitled to reimbursement from the marketing allowance account.
3. The following notices and communications shall not be deemed advertisements eligible for reimbursement from the marketing allowance account, but shall be subject to any prior review and approval by the division:
 - i. Notice regarding the rules of any video lottery game(s);
 - ii. The posting of information about rules of the game(s), payoffs of winning wagers and odds;
 - iii. Information imprinted, impressed, or engraved on any video lottery terminal;
 - iv. Any signs or other directional devices adjacent to or contained within a video lottery gaming facility for the purpose of identifying the location of restrooms, food and beverage stations, and other amenities;
 - v. The distribution of a prepared statement containing information or news of general interest to persons employed in the reporting of such information or news to the public, such as newspapers or periodicals, or radio or television stations.
4. Each video lottery gaming agent shall install, post and prominently display all promotional material as approved in the marketing plan.
5. Issuance of a video lottery gaming agent license pursuant to these regulations permits conducting video lottery gaming in a manner approved by the division. Use of any name, logo or design owned by the division or the video lottery gaming machine manufacturers without a valid license may constitute a violation of federal and state copyright and trademark laws. Permitted use of the logo by a licensee must be in compliance with approved guidelines.

(b) Criteria governing advertising.

1. Approved advertising criteria shall be published from time to time by the division.
2. The following practices shall be prohibited with respect to all advertisements:
 - i. The use or statement of any information, representation, or description which contrasts or compares video lottery gaming agents or facilities with regard to total payout.
 - ii. The use of the term "slot machine", "casino", "racino" or "gambling" or any similar term(s) to describe or refer to video lottery terminals or video lottery gaming.
 - iii. The failure to maintain any offer for the advertised period of availability or in a quantity sufficient to meet reasonably anticipated demand. Should anticipated demand be exceeded, items of equal or greater value may be substituted unnoticed to the division.

(c) Retention of advertising exemplars.

1. All advertising, or in the case of standard or recurring advertising, a sample thereof, which is directly related to video lottery gaming activity, shall be maintained by the video lottery gaming agent or representative for a period of thirty-six (36) months from the date of placement of such advertisement. Advertising which must be maintained shall include such advertising as may have been placed for or on behalf of the video lottery gaming agent. Advertising required to be

maintained by this part shall be maintained at the principal place of business of the video lottery gaming agent, and shall be made available or produced for inspection upon the request of the division.

2. Each video lottery gaming agent shall maintain a file containing samples of the types and forms of advertising and promotional materials not directly related to video lottery gaming activity for a period of six (6) months from the date of placement of such advertisement or promotion. Such advertising shall be maintained at the principal place of business of the video lottery gaming agent and shall be made available or produced for inspection upon the request of the division.

Signage/Help Line/Advertising

21 N.Y.C.R.R. '2836-19.6: Responsible gaming and self-exclusion [applicable to video lottery gaming facilities]

- (a) Each video lottery gaming agent shall establish a responsible gaming program pursuant to guidelines established by the division within ninety (90) days of the commencement of operations at the video lottery gaming facility, which plan shall comply with these regulations.
- (b) Announcements encouraging responsible play shall be displayed by the video lottery gaming agent in all video lottery gaming areas as well as the reception and cashier areas.
- (c) Responsible gaming information shall be prominently displayed by the video lottery gaming agent at the video lottery gaming facility, and problem gambling information shall be posted on each video lottery gaming agent's website and on each video lottery terminal.

Training/Education

- (d) The video lottery gaming agent's responsible gaming plan will provide for employee training for responsible gaming.

Self-exclusion

- (e) Any person may voluntarily exclude themselves from the video lottery gaming facility, under penalty of trespass upon violation, by submitting a written request to the video lottery gaming agent in accordance with this section.
 - (1) Such request may be submitted in person at the offices of the video lottery gaming agent. Any person requesting exclusion in person shall present valid identification credentials containing the person's signature and either a photograph or a general description of that person.
 - (2) Such request may also be submitted by mail addressed to the chief operating officer of the video lottery gaming agent. Any request for exclusion which is submitted by mail shall be signed before a notary public or other person empowered by law to take oaths and shall contain a certificate of acknowledgment by such notary public or other person attesting to the identity of the person making the request.
- (f) A request for exclusion shall be in a form prescribed by the division, which shall include the following:
 - (1) The name of the person requesting exclusion;
 - (2) The address of the person's residence;
 - (3) The person's date of birth;
 - (4) The signature of the person requesting exclusion, indicating acknowledgment of the following statement:

“I certify that the information which I have provided above is true and accurate. I am aware that my signature below authorizes the video lottery gaming agent to authorize my exclusion from the video lottery gaming facility indefinitely, until such time as I submit a written request to the video lottery gaming agent for the reinstatement of authority to be present in a video lottery gaming facility. I understand that if found within the video lottery gaming facility after having been voluntarily excluded, I will be subject to arrest for criminal trespass. Further, I authorize the video lottery gaming agent to send a copy of my request to each video lottery gaming facility located within New York State.”;

- (5) If the request for exclusion is made in person:
 - (i) The type of identification credentials examined containing the person’s signature, and whether said credentials included a photograph or general description of the person; and
 - (ii) The signature and occupational license number of a video lottery gaming employee authorized to accept such request, indicating that any physical description or photograph of the person appears to agree with his or her actual appearance.
- (6) If the request for exclusion is made by mail, a certificate of acknowledgment executed by a notary public or other person empowered by law to take oaths attesting to the identity of the person who is making the request for exclusion.
- (g) Should the excluded person be found within the video lottery gaming facility by the division, surveillance, security, video lottery gaming facility department or any employee of the video lottery gaming agent, and the patron has refused a non-law enforcement escort from the facility, then a law enforcement agency shall be immediately notified and requested to effectuate an arrest of the excluded patron for criminal trespass. Employees of the video lottery gaming agent and the division or its duly authorized representative shall be empowered to swear the complaint against the excluded person.
- (h) The video lottery gaming agent shall maintain an updated master list of all persons who have requested exclusion pursuant to this part, and shall notify the division in writing of any additions to, or deletions from, the list.
 - (1) The video lottery gaming agent shall exclude any listed person, effective immediately, upon receipt of notice that such person’s name has been added to the list.
 - (2) An updated master list of persons who have requested exclusion shall be maintained by the surveillance, security and video lottery gaming facility departments of the video lottery gaming agent.
 - (3) The video lottery gaming agent shall note any exclusion or reinstatement of gaming privileges pursuant to this section in a file for the person requesting exclusion, including the following:
 - (i) A copy of any applicable video lottery gaming agent notice of the exclusion or reinstatement of video lottery gaming privileges; and
 - (ii) The date, time, signature and employee license number of the video lottery gaming agent representative making the exclusion or reinstatement entry in that file.
 - (4) Copies of all such materials required to be maintained in the file shall be forwarded to the division quarterly.
- (i) Any person who has been excluded pursuant to this section may, no sooner than one (1) year after the request for exclusion, request reinstatement of his or her gaming privileges by submitting a written request to the video lottery gaming agent in accordance with the procedures specified in paragraphs (a)(1) and (a)(2) above.
 - (1) Such request shall be in a form prescribed by the division, which shall include the following:

- (i) The information specified in subsections (b)(1),(2),(3), and (4) of this part above; and
- (ii) The signature of the person requesting reinstatement of gaming privileges, indicating acknowledgment of the following statement:

“I certify that the information which I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for exclusion, and authorizes the video lottery gaming agent to reinstate my gaming privileges. Further, I authorize the video lottery gaming agent to, if approved, send a copy of my request for reinstatement of gaming privileges to each video lottery gaming agent located within New York State”;
- (2) The video lottery gaming agent may require the applicant to present additional information supporting his or her reinstatement, in person.
- (3) The video lottery gaming agent may delete such person’s name from the list established pursuant to subsection (d) of this part above, and so notify the division and the surveillance, security and video lottery gaming facility department, no later than ten (10) days from its approval of the patron’s request for reinstatement of video lottery gaming privileges.
- (4) Upon written notice of the video lottery gaming agent that such person’s name has been deleted from the list, the video lottery gaming facility may reinstate such person’s video lottery gaming privileges.
- (j) The video lottery gaming agent shall not divulge any name on the master list of excluded persons, other than to authorized surveillance, security or video lottery gaming department employees or other video lottery gaming personnel whose duties and functions require access to such information, and the division or its duly authorized representatives.
- (k) Neither these regulations nor any of the rights, duties, or obligations established hereunder, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person against the state, the division, any video lottery gaming agent or any of its representatives or employees. Each person applying for placement on the List of Excluded Persons shall execute a full and complete Waiver/Release on a form provided by the division releasing the state, the division, any video lottery gaming agent or any of its representatives or employees from any liability associated with the acts relating to this provision.
- (l) Notwithstanding the foregoing, if the video lottery gaming agent has in place a plan or system of voluntary self-exclusion in satisfaction of regulations promulgated by the New York State Racing and Wagering Board, then said plan or system shall satisfy the requirements of this section.

Signage/Help Line/Advertising

9 NYCRR '4003.54: Internet posting to assist compulsive gamblers [Applicable to thoroughbred racing]

Each racing association, which maintains a website on the internet, shall post on its home page a message designed to assist compulsive gamblers. Such posting shall include, but not be limited to a notice of the availability of one or more organizations approved by the commissioner of mental health, pursuant to the provisions of subdivision (g) of section 7.09 of the Mental Hygiene Law, which offer assistance in dealing with the problem of compulsive gambling.

*Self-exclusion***9 N.Y.C.R.R. '4044.2. Self-exclusion from racetrack; self-imposed restriction on telephone wagering [applicable to thoroughbred racetracks]**

1. (a) Each racing association or corporation shall create a list of self-excluded persons and shall post information explaining how an individual may add his or her name to the list.
- (b) An individual's name may be added to the list of self-excluded persons if the individual has notified the racing association or corporation in writing or in person of his or her pledge not to visit a racetrack by filing an application for placement on the racing association's or corporation's list of self-excluded persons. The application shall be designed to include a removable label or "tear-off" with information concerning the availability of services to assist compulsive gamblers.
- (c) An application for self-exclusion shall include all of the following information about the individual who is applying:
 - (1) Full name and all aliases;
 - (2) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics;
 - (3) Current home address;
 - (4) Social security number;
 - (5) Date of birth;
 - (6) Statement that the individual is seeking self-exclusion;
 - (7) A photograph suitable for the racing association or corporation to use to identify the individual;
 - (8) Other information that the racing association or corporation considers necessary.
- (d) An individual's name shall be placed on the list of self-excluded persons after all of the following have occurred:
 - (1) The individual has submitted an application to be placed on the racing association's or corporation's list of self-excluded persons.
 - (2) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance or identification credentials.
 - (3) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of self-excluded persons.
 - (4) The individual signs a form releasing the State of New York and the racing association or corporation from any injury the individual suffers as a consequence of placing his or her name on the list of self-excluded persons.
- (e) Each racing association or corporation shall file with the board no later than thirty days after the effective date of this Part a plan for implementing subdivision one of this rule and for disseminating the information contained in the applications for placement on the list of self-excluded persons. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:
 - (1) The racing association or corporation managerial employee who has responsibility over the entire wagering operations; and

- (2) All security and surveillance personnel.
- (f) A racing association or corporation shall not offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of self-excluded persons.
- (g) The racing association or corporation shall keep a record of each individual whose name is on the list of self-excluded persons. If a racing association or corporation identifies a person on the premises of their racetrack, the racing association or corporation shall, after confirming that the individual has filed an affidavit under this section, immediately remove the individual from the racetrack.
- (h) A request for removal from the self-exclusion list shall include:
 - (1) The identifying information specified in (c)(1 through 5), above;
 - (2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the racing association or corporation to reinstate my wagering privileges at their racetrack.”; and
 - (3) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her previously filed identification credentials and that any photograph or physical description of the person appears to agree with that information filed previously or actual appearance if the request for removal is made in person.
 - (4) No request from a person to remove himself or herself from any self-exclusion list shall be effective until seven days after it has been received by the racing association or corporation.
 - (i) This rule does not create any right or cause of action on behalf of the individual whose name is placed on the list of self-excluded persons against the State of New York, the board or a racing association or corporation.
- 2. (a) Any holder of an account authorized pursuant to section one thousand twelve of the Racing, Pari-Mutuel Wagering and Breeding Law may voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.
 - (1) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall establish procedures that are designed to deny wagering privileges beyond a daily or weekly threshold set by the account holder;
 - (2) Any holder of an account voluntarily restricted may have such restrictions removed or modified upon written or in person request to the racing association or corporation. No request from a person to remove any limit placed on account wagers shall be effective until seven days after it has been received by the racing association or corporation.
- (b) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall file with the board no later than thirty days after the effective date of this Part a copy of its procedures established pursuant to subdivision two of this rule.

Signage/Help Line/Advertising

9 NYCRR '4101.40: Internet posting to assist compulsive gamblers

[Applicable to standardbred racing]

Each harness racing association or corporation, which maintains a website on the Internet, shall post on its home page a message designed to assist compulsive gamblers. Such posting shall include, but not be limited to a notice of the availability of one or more organizations approved by the commissioner of mental health, pursuant to the provisions of subdivision (g) of section 7.09 of the Mental Hygiene Law, which offer assistance in dealing with the problem of compulsive gambling.

Self-exclusion

9 N.Y.C.R.R. '4123.2. Self-exclusion from racetrack; self-imposed restriction on telephone account wagering [applicable to standardbred racetracks]

1. (a) Each racing association or corporation shall create a list of self-excluded persons and shall post information explaining how an individual may add his or her name to the list.
- (b) An individual's name may be added to the list of self-excluded persons if the individual has notified the racing association or corporation in writing or in person of his or her pledge not to visit a racetrack by filing an application for placement on the racing association's or corporation's list of self-excluded persons. The application shall be designed to include a removable label or "tear-off" with information concerning the availability of services to assist compulsive gamblers.
- (c) An application for self-exclusion shall include all of the following information about the individual who is applying:
 - (1) Full name and all aliases;
 - (2) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics;
 - (3) Current home address;
 - (4) Social security number;
 - (5) Date of birth;
 - (6) Statement that the individual is seeking self-exclusion;
 - (7) A photograph suitable for the racing association or corporation to use to identify the individual;
 - (8) Other information that the racing association or corporation considers necessary.
- (d) An individual's name shall be placed on the list of self-excluded persons after all of the following have occurred:
 - (1) The individual has submitted an application to be placed on the racing association's or corporation's list of self-excluded persons.
 - (2) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance or identification credentials.
 - (3) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of self-excluded persons.
 - (4) The individual signs a form releasing the State of New York and the racing association or

corporation from any injury the individual suffers as a consequence of placing his or her name on the list of self-excluded persons.

- (e) Each racing association or corporation shall file with the board no later than thirty days after the effective date of this Part a plan for implementing subdivision one of this rule and for disseminating the information contained in the applications for placement on the list of self-excluded persons. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:
 - (1) The racing association or corporation managerial employee who has responsibility over the entire wagering operations; and
 - (2) All security and surveillance personnel.
- (f) A racing association or corporation shall not offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of self-excluded persons.
- (g) The racing association or corporation shall keep a record of each individual whose name is on the list of self-excluded persons. If a racing association or corporation identifies a person on the premises of their racetrack, the racing association or corporation shall, after confirming that the individual has filed an affidavit under this section, immediately remove the individual from the racetrack.
- (h) A request for removal from the self-exclusion list shall include:
 - (1) The identifying information specified in (c)(1 through 5), above;
 - (2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the racing association or corporation to reinstate my wagering privileges at their racetrack.”; and
 - (3) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her previously filed identification credentials and that any photograph or physical description of the person appears to agree with that information filed previously or actual appearance if the request for removal is made in person.
 - (4) No request from a person to remove himself or herself from any self-exclusion list shall be effective until seven days after it has been received by the racing association or corporation.
 - (i) This rule does not create any right or cause of action on behalf of the individual whose name is placed on the list of self-excluded persons against the State of New York, the board or a racing association or corporation.
- 2. (a) Any holder of an account authorized pursuant to section one thousand twelve of the Racing, Pari-Mutuel Wagering and Breeding Law may voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.
 - (1) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall establish procedures that are designed to deny wagering privileges beyond a daily or weekly threshold set by the account holder;
 - (2) Any holder of an account voluntarily restricted may have such restrictions removed or modified upon written or in person request to the racing association or corporation. No

request from a person to remove any limit placed on account wagers shall be effective until seven days after it has been received by the racing association or corporation.

- (b) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall file with the board no later than thirty days after the effective date of this Part a copy of its procedures established pursuant to subdivision two of this rule.

Signage/Help Line/Advertising

9 NYCRR '4204.14: Internet posting to assist compulsive gamblers [Applicable to quarterhorse racing]

Each quarter horse racing association or corporation, which maintains a website on the internet, shall post on its home page a message designed to assist compulsive gamblers. Such posting shall include, but not be limited to a notice of the availability of one or more organizations approved by the commissioner of mental health, pursuant to the provisions of subdivision (g) of section 7.09 of the Mental Hygiene Law, which offer assistance in dealing with the problem of compulsive gambling.

Self-exclusion

9 N.Y.C.R.R. '4237.2. Self-exclusion from racetrack; self-imposed restriction on telephone account wagering [applicable to quarterhorse racetracks]

1. (a) Each racing association or corporation shall create a list of self-excluded persons and shall post information explaining how an individual may add his or her name to the list.
- (b) An individual's name may be added to the list of self-excluded persons if the individual has notified the racing association or corporation in writing or in person of his or her pledge not to visit a racetrack by filing an application for placement on the racing association's or corporation's list of self-excluded persons. The application shall be designed to include a removable label or "tear-off" with information concerning the availability of services to assist compulsive gamblers.
- (c) An application for self-exclusion shall include all of the following information about the individual who is applying:
 - (1) Full name and all aliases;
 - (2) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics;
 - (3) Current home address;
 - (4) Social security number;
 - (5) Date of birth;
 - (6) Statement that the individual is seeking self-exclusion;
 - (7) A photograph suitable for the racing association or corporation to use to identify the individual;
 - (8) Other information that the racing association or corporation considers necessary.
- (d) An individual's name shall be placed on the list of self-excluded persons after all of the following have occurred:
 - (1) The individual has submitted an application to be placed on the racing association's or corporation's list of self-excluded persons.
 - (2) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-

- exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance or identification credentials.
- (3) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of self-excluded persons.
 - (4) The individual signs a form releasing the State of New York and the racing association or corporation from any injury the individual suffers as a consequence of placing his or her name on the list of self-excluded persons.
- (e) Each racing association or corporation shall file with the board no later than thirty days after the effective date of this Part a plan for implementing subdivision one of this rule and for disseminating the information contained in the applications for placement on the list of self-excluded persons. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:
- (1) The racing association or corporation managerial employee who has responsibility over the entire wagering operations; and
 - (2) All security and surveillance personnel.
- (f) A racing association or corporation shall not offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of self-excluded persons.
- (g) The racing association or corporation shall keep a record of each individual whose name is on the list of self-excluded persons. If a racing association or corporation identifies a person on the premises of their racetrack, the racing association or corporation shall, after confirming that the individual has filed an affidavit under this section, immediately remove the individual from the racetrack.
- (h) A request for removal from the self-exclusion list shall include:
- (1) The identifying information specified in (c)(1 through 5), above;
 - (2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the racing association or corporation to reinstate my wagering privileges at their racetrack.”; and
 - (3) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her previously filed identification credentials and that any photograph or physical description of the person appears to agree with that information filed previously or actual appearance if the request for removal is made in person.
 - (4) No request from a person to remove himself or herself from any self-exclusion list shall be effective until seven days after it has been received by the racing association or corporation.
 - (i) This rule does not create any right or cause of action on behalf of the individual whose name is placed on the list of self-excluded persons against the State of New York, the board or a racing association or corporation.

2. (a) Any holder of an account authorized pursuant to section one thousand twelve of the Racing, Pari-Mutuel Wagering and Breeding Law may voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.
 - (1) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall establish procedures that are designed to deny wagering privileges beyond a daily or weekly threshold set by the account holder;
 - (2) Any holder of an account voluntarily restricted may have such restrictions removed or modified upon written or in person request to the racing association or corporation. No request from a person to remove any limit placed on account wagers shall be effective until seven days after it has been received by the racing association or corporation.
- (b) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall file with the board no later than thirty days after the effective date of this Part a copy of its procedures established pursuant to subdivision two of this rule.

Signage/Help Line/Advertising

9 NYCRR '5204.17: Internet posting to assist compulsive gamblers [Applicable to Off-Track Pari-mutuel Betting]

Each corporation, which maintains a website on the Internet, shall post on its home page a message designed to assist compulsive gamblers. Such posting shall include, but not be limited to a notice of the availability of one or more organizations approved by the commissioner of mental health, pursuant to the provisions of subdivision (g) of section 7.09 of the Mental Hygiene Law, which offer assistance in dealing with the problem of compulsive gambling.

Self-exclusion

9 N.Y.C.R.R. '5212.2. Self-exclusion from off-track betting simulcast branches and teletheaters; self-imposed restriction on telephone account wagering [applicable to off-track betting corporations]

1. (a) Each off-track betting corporation shall create a list of self-excluded persons and shall post information explaining how an individual may add his or her name to the list.
- (b) An individual's name may be added to the list of self-excluded persons if the individual has notified the off-track betting corporation in writing or in person of his or her pledge not to visit an off-track betting branch or teletheater by filing an application for placement on the off-track betting corporation's list of self-excluded persons. The application shall be designed to include a removable label or "tear-off" with information concerning the availability of services to assist compulsive gamblers.
- (c) An application for self-exclusion shall include all of the following information about the individual who is applying:
 - (1) Full name and all aliases;
 - (2) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics;
 - (3) Current home address;
 - (4) Social security number;
 - (5) Date of birth;
 - (6) Statement that the individual is seeking self-exclusion;

- (7) A photograph suitable for the off-track betting corporation to use to identify the individual;
 - (8) Other information that the off-track betting corporation considers necessary.
- (d) An individual's name shall be placed on the list of self-excluded persons after all of the following have occurred:
- (1) The individual has submitted an application to be placed on the off-track betting corporation's list of self-excluded persons.
 - (2) The signature of a corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance or identification credentials.
 - (3) The individual has signed an affidavit in which he or she affirms that he or she wishes to be placed on the list of self-excluded persons.
 - (4) The individual signs a form releasing the State of New York and the off-track betting corporation from any injury the individual suffers as a consequence of placing his or her name on the list of self-excluded persons.
- (e) Each off-track betting corporation shall file with the board no later than thirty days after the effective date of this Part a plan for implementing subdivision one of this rule and for disseminating the information contained in the applications for placement on the list of self-excluded persons. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:
- (1) The corporation managerial employee who has responsibility over the entire wagering operations; and
 - (2) All security and surveillance personnel.
- (f) An off-track betting corporation shall not offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of self-excluded persons.
- (g) The off-track betting corporation shall keep a record of each individual whose name is on the list of self-excluded persons. If an off-track betting corporation identifies a person on the premises of their facilities, the corporation shall, after confirming that the individual has filed an affidavit under this section, immediately remove the individual from the facility.
- (h) A request for removal from the self-exclusion list shall include:
- (1) The identifying information specified in (c)(1 through 5), above;
 - (2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the off-track betting corporation to reinstate my wagering privileges at their facilities.”; and
 - (3) The signature of an off-track betting corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her previously filed identification credentials and that any photograph or physical description of the person appears to agree with that information filed previously or actual appearance if the request for removal is made in person.

- (4) No request from a person to remove himself or herself from any self-exclusion list shall be effective until seven days after it has been received by the off-track betting corporation.
- (i) This rule does not create any right or cause of action on behalf of the individual whose name is placed on the list of self-excluded persons against the State of New York, the board or an off-track betting corporation.
- 2. (a) Any holder of an account authorized pursuant to section one thousand twelve of the Racing, Pari-Mutuel Wagering and Breeding Law may voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.
 - (1) Each off-track betting corporation which maintains telephone betting accounts for wagering on races shall establish procedures that are designed to deny wagering privileges beyond a daily or weekly threshold set by the account holder;
 - (2) Any holder of an account voluntarily restricted may have such restrictions removed or modified upon written request to the off-track betting corporation. No request from a person to remove any limit placed on account wagers shall be effective until seven days after it has been received by the corporation.
- (b) Each off-track betting corporation which maintains telephone betting accounts for wagering on races shall file with the board no later than thirty days after the effective date of this Part a copy of its procedures established pursuant to subdivision two of this rule.



Funding/Revenue Sharing

§3A-724. Prizes – Verification of validity of tickets or shares – Unclaimed prize monies.

- G. Unclaimed prize money shall not constitute net lottery proceeds. The first Five Hundred Thousand Dollars (\$500,000.00) of unclaimed prize money accruing annually shall be transferred to the Department of Mental Health and Substance Abuse Services for the treatment of compulsive gambling disorder and educational programs related to such disorder. All other unclaimed prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.

Added by Laws 2003, c. 58, § 25. Amended by Laws 2005, c. 365, § 1, emerg. eff. June 6, 2005.



Training/Education

325:90-1-1. Purpose

The Rules in this chapter provide requirements and procedures for unresolved patron disputes and for compulsive gambling assistance plans which include minimum standards, employee training and annual reporting regarding compulsive gambling activities.

325:90-5-2. Compulsive Gambling Assistance Plan

- (a) An applicant for a Racetrack Gaming Operator License must submit with the application a plan to address compulsive gambling in accordance with the requirements of these regulations for assisting in the prevention and education of compulsive gambling.
- (b) No Racetrack Gaming Operator License application will be approved unless the Commission first approves the applicant's compulsive gambling assistance plan.
- (c) Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer a plan once implemented will be grounds for suspension or revocation of the Racetrack Gaming Operator License, assessment of a fine, or both.
- (d) A plan must meet or exceed the minimum standards set forth in these Rules. The development of such a plan by the applicant and the approval of a plan by the Commission are conditions of issuance of the original Racetrack Gaming Operator License. The maintenance of a plan, as approved by the Commission, is a condition of annual renewal of the license.

325:90-5-3. Minimum standards for Compulsive Gambling Assistance Plan

- (a) The compulsive gambling assistance plan must include all of the following elements unless the applicant or Racetrack Gaming Operator Licensee obtains a written waiver of any element from the Commission:
 - (1) Identification of a plan manager or other Person responsible for ensuring that a plan is implemented and administered by the Racetrack Gaming Operator Licensee and monitored to maintain the minimum standards established by these rules;
 - (2) A mission statement that identifies the goals of the Racetrack Gaming Operator Licensee in administering a plan;

- (3) Policies concerning the handling of compulsive gambling problems, commitment to training, intervention, the employee's role and duties, management's role and duties, and the patron's responsibilities;
- (4) Procedures to determine appropriate intervention techniques in a given circumstance, and carrying out the intervention techniques;

Signage/Help Line/Advertising

- (5) Printed materials to educate patrons about compulsive gambling and inform them of local and Statewide resources available to compulsive gamblers and their families. The materials may include signs and posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information. A plan must also specify a source of the printed materials and proposed distribution methods;

Credit/Cash Access

- (6) Policy and procedures that prohibit facilitating, participating in, or allowing the issuance of any loans or extension of credit to a patron for gaming purposes;

Training/Education

- (7) A comprehensive Gaming Employee and on-site Key Executive training program satisfactory to the Commission, including training manuals and other materials necessary to educate employees about compulsive gambling issues; the training plan must include instruction in the psychology of the compulsive gambling, methods of recognizing compulsive gambling behavior, intervention techniques and other subjects as determined by the Commission;
- (8) Completion and submission of a form certifying to the Commission's satisfaction that each employee required to obtain the training has done so within the time period specified by these Rules;
- (9) Details of a follow-up training program to periodically reinforce employee training;
- (10) Estimated costs for implementation and administration;
- (11) Timetable and procedures for implementing the compulsive gambling assistance plan. A plan must be implemented no later than thirty (30) days from the date gaming commences on the licensed premises;
- (12) Preventing gaming by Minors; and
- (13) Any other policies and procedures designed to encourage responsible gaming that the applicant or Racetrack Gaming Operator Licensee wishes to include.

325:90-5-4. Employee training regarding Compulsive Gambling Assistance Plan

- (a) The compulsive gambling assistance plan must be designed with employee training and education as fundamental aspects of a plan. The purpose of the training is to develop awareness of compulsive gambling and to provide resources to assist the employee in handling compulsive gambling issues.
- (b) The employee training program must include training and materials on the following topics:
 - (1) Characteristics and symptoms of compulsive gambling behavior;
 - (2) Prevalence of compulsive gambling in the general population;
 - (3) Relation of compulsive gambling to other addictions;

- (4) Social costs of compulsive gambling, such as indebtedness, costs for treatment, suicide, criminal behavior, lost jobs, and counseling for family problems;
 - (5) Identification of vulnerable populations, including women, low-income patrons, the elderly and Persons who abuse drugs and alcohol;
 - (6) Intervention techniques to be employed where a compulsive gambling problem is identified or suspected; and
 - (7) Assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.
- (c) Training must be conducted within thirty (30) days of the employee's hire date. Certification of such training must be submitted on a form approved by the Commission. Failure to submit the required certification may result in administrative action against the Racetrack Gaming Operator Licensee.

Miscellaneous

325:90-5-5. Annual report regarding Compulsive Gambling Activities

Each Racetrack Gaming Operator Licensee must submit to the Commission, initially six months following the commencement of gaming activities and thereafter by March 31 annually, a report detailing the Racetrack Gaming Operator Licensee's compulsive gambling activities for the previous calendar twelve month period ending December 31.

TITLE 4 - AMUSEMENT
PART II. GAMING

Alcohol Service

Chapter 12. Pennsylvania Gaming Control Board

§ 1202. General and specific powers.

(30) To promulgate rules and regulations necessary for the administration and enforcement of this part, including regulations in cooperation with the Pennsylvania Liquor Control Board and regulations relating to the sale and service of liquor and malt and brewed beverages by licensees. Except as provided in section 1203 (relating to temporary regulations), regulations shall be adopted pursuant to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(Nov. 1, 2006, P.L.1243, No.135, eff. imd.)

Miscellaneous

Chapter 13. Licensees

§ 1318. Occupation permit application.

(c) PROHIBITION . No slot machine licensee may employ or permit any person under 18 years of age to render any service whatsoever in any area of its licensed facility at which slot machines are physically located.

(Nov. 1, 2006, P.L.1243, No.135, eff. imd.)

Funding/Revenue Sharing

Chapter 14. Revenues

§ 1408. Transfers from State Gaming Fund.

(a) TRANSFER FOR COMPULSIVE PROBLEM GAMBLING TREATMENT . Each year, the sum of \$1,500,000 or an amount equal to .001 multiplied by the total gross terminal revenue of all active and operating licensed gaming entities, whichever is greater, shall be transferred into the Compulsive Problem Gambling Treatment Fund established in section 1509 (relating to compulsive and problem gambling program).

Credit/Cash Access

Chapter 15. Administration and Enforcement

§ 1504. Wagering on credit.

Slot machine licensees may not extend credit. Slot machine licensees may not accept credit cards, charge cards or debit cards from a player for the exchange or purchase of slot machine credits or for an advance of coins or currency to be utilized by a player to play slot machine games or extend credit in any manner to a player so as to enable the player to play slot machines.

*Training/Education***§ 1509. Compulsive and problem gambling program.**

- (a) Establishment of program.—The Department of Health, in consultation with organizations similar to the Mid-Atlantic Addiction Training Institute, shall develop program guidelines for public education, awareness and training regarding compulsive and problem gambling and the treatment and prevention of compulsive and problem gambling. The guidelines shall include strategies for the prevention of compulsive and problem gambling. The Department of Health may consult with the board and licensed gaming entities to develop such strategies. The program shall include:

Signage/Help Line/Advertising

- (1) Maintenance of a compulsive gamblers assistance organization's toll-free problem gambling telephone number to provide crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling.

Training/Education

- (2) The promotion of public awareness regarding the recognition and prevention of problem or compulsive gambling.
- (3) Facilitation, through in-service training and other means, of the availability of effective assistance programs for problem and compulsive gamblers and family members affected by problem and compulsive gambling.
- (4) Conducting studies to identify adults and juveniles in this Commonwealth who are or are at risk of becoming problem or compulsive gamblers.

Funding/Revenue Sharing

- (5) Providing grants to and contracting with organizations which provide services as set forth in this section.
- (6) Providing reimbursement for organizations for reasonable expenses in assisting the Department of Health in carrying out the purposes of this section.
- (b) COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND. There is hereby established in the State Treasury a special fund to be known as the Compulsive and Problem Gambling Treatment Fund. All moneys in the fund shall be expended for programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems associated with or related to gambling addiction and for the administration of the compulsive and problem gambling program. The fund shall consist of money annually allocated to it from the annual payment established under section 1408 (relating to transfers from State Gaming Fund), money which may be allocated by the board, interest earnings on moneys in the fund and any other contributions, payments or deposits which may be made to the fund.

*Signage/Help Line/Advertising***(c) NOTICE OF AVAILABILITY OF ASSISTANCE.**

- (1) Each slot machine licensee shall obtain a toll-free telephone number to be used to provide persons with information on assistance for compulsive or problem gambling. Each licensee shall conspicuously post signs similar to the following statement:

If you or someone you know has a gambling problem, help is available. Call (Toll-free telephone number).

The signs must be posted within 50 feet of each entrance and exit and within 50 feet of each automated teller machine location within the licensed facility.

- (2) Each racetrack where slot machines are operated shall print a statement on daily racing programs provided to the general public that is similar to the following:

If you or someone you know has a gambling problem, help is available.
Call (Toll-free telephone number).

- (3) A licensed facility which fails to post or print the warning sign in accordance with paragraph (1) or (2) shall be assessed a fine of \$1,000 a day for each day the sign is not posted or printed as provided in this subsection.

Funding/Revenue Sharing

- (d) **SINGLE COUNTY AUTHORITIES.** The Department of Health may make grants from the fund established under subsection (b) to a single county authority created pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the - 7 4 - Pennsylvania Drug and Alcohol Abuse Control Act, for the purpose of providing compulsive gambling and gambling addiction prevention, treatment and education programs. It is the intention of the General Assembly that any grants that the Department of Health may make to any single county authority in accordance with the provisions of this subsection be used exclusively for the development and implementation of compulsive and problem gambling programs authorized under subsection (a).
- (e) **DEFINITION.** As used in subsection (d), the term “single county authority” means the agency designated by the Department of Health pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, to plan and coordinate drug and alcohol prevention, intervention and treatment services for a geographic area, which may consist of one or more counties.

(Nov. 1, 2006, P.L.1243, No.135, eff. imd.)

Self-exclusion

§ 1516. List of persons self excluded from gaming activities.

- (a) **GENERAL RULE.** The board shall provide by regulation for the establishment of a list of persons self excluded from gaming activities at self-excluded persons by acknowledging in a manner to be established by the board that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at licensed facilities.
- (b) **REGULATIONS.** The regulations of the board shall establish procedures for placements on and removals from the list of self-excluded persons. The regulations shall establish procedures for the transmittal to licensed gaming entities of identifying information concerning self-excluded persons and shall require licensed gaming entities to establish procedures designed at a minimum to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to complimentarys, check cashing privileges, club programs and other similar benefits.
- (c) **LIABILITY.** A licensed gaming entity or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:

- (1) the failure of a licensed gaming entity to withhold gaming privileges from or restore gaming privileges to a self-excluded person; or
- (2) otherwise permitting or not permitting a self-excluded person to engage in gaming activity in the facility while on the list of self-excluded persons.
- (d) **DISCLOSURE.** Notwithstanding any other law to the contrary, the board's list of self-excluded persons shall not be open to public inspection. Nothing in this section, however, shall be construed to prohibit a licensed gaming entity from disclosing the identity of persons self excluded pursuant to this section to affiliated gaming entities in this Commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated licensed gaming entities.

Credit/Cash Access

§ 1520. Automated teller machines.

The board shall promulgate rules and regulations governing the placement of automated teller machines (ATMs).

♣ PENNSYLVANIA REGULATIONS

Credit/Cash Access

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.20. Personal check cashing.

- (a) Personal checks accepted by a slot machine licensee under § 501.7 (relating to prohibition on check cashing) to enable a patron to take part in gaming must be:
 - (1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.
 - (2) Drawn for a specific amount.
 - (3) Made payable to the slot machine licensee.
 - (4) Currently dated, but not postdated.
- (b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a slot cashier who shall:
 - (1) Restrictively endorse the check "for deposit only" to the bank account designated by the slot machine licensee.
 - (2) Initial the check.
 - (3) Date and time stamp the check.
 - (4) Verify that the signature of the patron on the personal check and the patron's physical appearance agree with information recorded in a patron signature file created and maintained by the slot machine licensee in accordance with subsection (c) or with the signature and photograph or physical description contained on a government-issued identification presented by the patron. The slot cashier shall document how the signature verification was performed in connection with the acceptance of each personal check.

- (5) For personal checks equaling or exceeding \$500, verify the validity of the check directly with the commercial bank, savings bank, saving and loan association or credit union upon which it is drawn or obtain an authorization and guarantee of the check from a check verification and warranty service certified as a vendor by the Board. The slot cashier shall document how the check verification was performed in connection with the acceptance of each personal check.
- (6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn, not to exceed \$2,500 per patron per gaming day.
- (c) To record a patron's signature in a patron signature file, a slot cashier shall require the person for whom the file is to be created to present for examination the following:
 - (1) If the identity of the patron is to be confirmed in accordance with subsection (d)(1), one identification.
 - (2) If the identity of the patron is to be confirmed in accordance with subsection (d)(2), two forms of identification, at least one of which must contain a photograph or general physical description of the patron.
- (d) Before a slot machine licensee may use a signature recorded in a patron signature file to verify the identity of a patron or the validity of a signature on a document, the slot machine licensee shall confirm the identity of the patron by either:
 - (1) Comparing the signature on the identification presented by the patron under subsection (c)(1) with the signature obtained from the patron and verifying the address of the patron's residence with a credit bureau, commercial bank or, if neither of these sources has the person's address on file or will not provide the information, with an alternative source, which does not include any documentation presented by the patron at the cashiers' cage.
 - (2) Comparing the signature on each of two forms of the identification presented by the patron under subsection (c)(2) with the signature obtained from the patron and comparing the photograph or general physical description contained on at least one of the forms of identification with the patron's actual physical appearance.
- (e) A patron signature file established and maintained by a slot machine licensee under subsection (c) must include, in addition to the patron's signature, the following:
 - (1) The patron's name.
 - (2) The address of the patron's residence.
 - (3) The types of identification examined under subsection (d) and an indication whether the identification contained a photograph or physical description of the patron.
 - (4) For the purposes of this section, a physical description of the patron which includes:
 - (i) Date of birth.
 - (ii) Approximate height.
 - (iii) Approximate weight.
 - (iv) Hair color.
 - (v) Eye color.
 - (5) The date and time that the patron signature file was established.
 - (6) The procedure by which the identity of the patron was confirmed under subsection (d), including:

- (i) The source of confirmation, date and time if confirmed under subsection (d)(1).
- (ii) The date and time of confirmation if confirmed under subsection (d)(2).
- (7) The signature of the slot cashier or cashiers' cage supervisor who examined the identification of the patron and established the patron signature file. The signature will evidence that:
 - (i) The signature of the patron recorded in the patron signature file is consistent with the signature on each form of identification that was examined.
 - (ii) The physical description recorded in the patron signature file is consistent with both the actual appearance of the patron and any photograph or physical description that may be contained on an identification that was examined.
- (f) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with this section including the dollar limitation per gaming day contained in subsection (b)(6).

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501. (Reserved)

§§ 501.1—501.8. (Reserved).

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

Sec.

501a.1. Definitions.

501a.2. Compulsive and problem gambling plan.

501a.3. Employee training program.

501a.4. Reports.

501a.5. Signage requirements.

501a.6. Check cashing.

§ 501a.1. Definitions.

The following term, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

OCPG — The Office of Compulsive and Problem Gambling.

Training/Education

§ 501a.2. Compulsive and problem gambling plan.

- (a) An applicant for a slot machine license shall submit a compulsive and problem gambling plan to the Board for review at the time of submission of the application. The plan must, at a minimum, contain the elements listed in subsection (d).
- (b) The compulsive and problem gambling plan of an applicant for a slot machine license who has been approved to receive a slot machine license must be approved by the Director of OCPG. An applicant for a slot machine license who has been approved to receive a slot machine license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the plan.

- (c) Compliance with the plan approved under this chapter will be a condition of license renewal.
- (d) A compulsive and problem gambling plan must include the following:
 - (1) The goals of the plan and procedures and timetables to implement the plan.
 - (2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.
 - (3) Policies and procedures including the following:
 - (i) The commitment of the licensee to train appropriate employees.
 - (ii) The duties and responsibilities of the employees designated to implement or participate in the plan.
 - (iii) The responsibility of patrons with respect to responsible gambling.
 - (iv) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior.
 - (v) Procedures for providing information to individuals regarding community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members.
 - (vi) Procedures for responding to patron requests for information regarding community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members. The provisions of this subsection do not create a duty for a slot machine licensee or its employees to refer compulsive and problem gamblers to qualified treatment professionals.
 - (4) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The slot machine licensee shall provide examples of the materials to be used as part of its plan, including signs required under § 501a.5 (relating to signage requirements), brochures and other printed material and a description of how the material will be disseminated.
 - (5) An employee training program as required under § 501a.3 (relating to employee training program), including training materials to be utilized and a plan for periodic reinforcement training.
 - (6) A certification process established by the slot machine licensee to verify that each employee has completed the training required by the plan.
 - (7) An estimation of the cost of development, implementation and administration of the plan.
 - (8) A list of community, public and private treatment services, gamblers anonymous programs and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members.
 - (9) Procedures to prevent underage gambling as required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders).
 - (10) Procedures to prevent excluded persons from gambling.
 - (11) Procedures to prevent intoxicated patrons from gambling.

- (12) Details of outreach programs which the slot machine licensee intends to offer to employees and individuals who are not employees of the slot machine licensee.
- (13) The plan for posting signs required under § 501a.5 within the licensed facility, containing gambling treatment information.
- (e) A slot machine licensee shall also submit other policies and procedures the slot machine licensee intends to use beyond what is required under subsection (d) to prevent and raise awareness of compulsive and problem gambling.
- (f) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for evaluation. The Department of Health may provide comments and recommendations to the Board relating to the plan.
- (g) A slot machine licensee shall submit amendments to the compulsive and problem gambling plan to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on the 30th calendar day following the filing the amendments unless the slot machine licensee receives a notice under subsection (h) objecting to the amendments.
- (h) If during the 30-day review period the Director of OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:
 - (1) Specify the nature of the objection and, when possible, an acceptable alternative.
 - (2) Direct that the amendments not be implemented until approved by the Director of OCPG.
 - (i) When amendments have been objected to under subsection (h), the slot machine licensee may submit revised amendments within 30 days of receipt of the written notice from the Director of OCPG. The slot machine licensee may implement the revised amendments on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (h) objecting to the amendments.

§ 501a.3. Employee training program.

- (a) The employee training program required under § 501a.2(d)(5) (relating to compulsive and problem gaming plan) must include instruction in the following:
 - (1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.
 - (2) The relationship of compulsive and problem gambling to other addictive behavior.
 - (3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.
 - (4) Techniques to be used when compulsive and problem gambling is suspected or identified.
 - (5) Techniques to be used to discuss compulsive and problem gambling with patrons and advise patrons regarding community, public and private treatment services.
 - (6) Procedures designed to prevent serving alcohol to visibly intoxicated gaming patrons.
 - (7) Procedures designed to prevent persons from gaming after having been determined to be visibly intoxicated.

- (8) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program.
- (9) Procedures for removing an excluded person, an underage individual or a person on the self-exclusion list from a licensed facility including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.
- (10) Procedures for preventing an excluded person or a person on the self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the excluded person or self-exclusion list.
- (11) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.
- (12) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from having access to or from receiving complimentary services, or other like benefits.
- (13) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from cashing checks.
- (b) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation.
- (c) Employees who have received training shall be certified by the slot machine licensee under § 501a.2(d)(6) upon completion of the training.
- (d) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in the employee's personnel file.
- (e) Employees shall report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee.
- (f) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to self-exclusion list) and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).
- (g) Slot machine licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required by this chapter.

§ 501a.4. Reports.

A slot machine licensee shall submit an annual summary of its compulsive and problem gambling program with its application for renewal of the slot machine license.

Signage/Help Line/Advertising

§ 501a.5. Signage requirements.

- (a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post signs that include a statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan). The signs shall be

prominently posted at the following locations:

- (1) Within 50 feet of each entrance and exit of the facility.
 - (2) Within 50 feet of each ATM, cash dispensing or change machine in each facility.
- (b) Each slot machine and junket licensee shall print a statement related to obtaining compulsive or problem gambling on all marketing or advertising materials that are offered to the general public by a slot machine or junket licensee, including signs, billboards, print, radio or television advertisements. The text and font size of the statement shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g).

Credit/Cash Access

§ 501a.6. Check cashing.

- (a) Except as permitted in subsection (b), holders of a license, certification or registration from the Board or persons acting on behalf of a holder of a license, certification or registration from the Board, may not cash a check payable to an individual, including Social Security, unemployment insurance, disability payment, public assistance payment or payroll check for a patron.
- (b) A holder of a license, certification or registration from the Board or any employee authorized by a holder of a license, certification or registration from the Board may accept a personal check, wire transfer or cash equivalent, such as a recognized traveler's check, cashier's check or money order.

Self-exclusion

CHAPTER 503. (Reserved)

§§ 503.1—503.6. (Reserved).

CHAPTER 503a. SELF-EXCLUSION

Sec.

503a.1. Definitions

503a.2. Request for self-exclusion

503a.3. Self-exclusion list

503a.4. Duties of slot machine licensees

503a.5. Removal from self-exclusion list

503a.6. Exceptions to the prohibition from being on the gaming floor for individuals on the self-exclusion list.

§ 503a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

FULLY EXECUTED GAMING TRANSACTION — An activity involving a slot machine or associated equipment which occurs on the gaming floor of a licensed facility and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee or slot system operator.

GAMING ACTIVITY — An activity involving or related to the play of slot machines including player club memberships or promotional activities.

OCPG — Office of Compulsive and Program Gambling.

SELF-EXCLUDED PERSON — A person whose name and identifying information is included, at the person's own request, on the self-exclusion list maintained by the Board.

SELF-EXCLUSION LIST — A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be excluded from the gaming floor and all gaming activities at a licensed facility and to be prohibited from collecting any winnings, recovering any losses or accepting complimentary gifts or services or any other thing of value at a licensed facility.

WINNINGS — Any money or thing of value received from, or owed by a slot machine licensee or slot system operator as a result of a fully executed gaming transaction.

§ 503a.2. Request for self-exclusion.

- (a) A person requesting placement on the self-exclusion list shall submit, in person, a completed Request for Voluntary Self-exclusion from Gaming Activities Form to the Board. The submission may be made by scheduling an appointment at the Board's Harrisburg office, one of the Board's other offices or at a licensed facility. To make an appointment, a person may contact the OCPG at (717) 346-8300.
- (b) A request for self-exclusion must include the following identifying information:
 - (1) Name, including any aliases or nicknames.
 - (2) Date of birth.
 - (3) Address of current residence.
 - (4) Telephone number.
 - (5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. § 552a).
 - (6) Physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.
- (c) The information provided in subsection (c) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OCPG at (717) 346-8300 or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD
OFFICE OF COMPULSIVE AND PROBLEM GAMBLING
P. O. BOX 69060
HARRISBURG, PA 17106-9060
- (d) The length of self-exclusion requested by a person must be one of the following:
 - (1) One year (12 months).
 - (2) Five years.
 - (3) Lifetime.
- (e) A request for self-exclusion must include a signed release which:
 - (1) Acknowledges that the request for self-exclusion has been made voluntarily.
 - (2) Certifies that the information provided in the request for self-exclusion is true and accurate.
 - (3) Acknowledges that the individual requesting self-exclusion is a problem gambler.
 - (4) Acknowledges that a person requesting a lifetime exclusion is prohibited from requesting removal from the self-exclusion list and that a person requesting a 1-year or 5-year exclusion will remain

on the self-exclusion list until a request for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.

- (5) Acknowledges that if the individual is discovered on the gaming floor or engaging in gaming activities at any licensed facility, that the individual will be subject to removal and will be subject to arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass).
- (6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board, and all slot machine licensees from any claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:
 - (i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.
 - (ii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.
- (f) Self-exclusions for 1 or 5 years remain in effect until the self-excluded person requests removal from the Board's self-exclusion list under § 503a.5.
- (g) A person submitting a self-exclusion request shall be required to present a government-issued photo identification containing the person's signature and photograph when the person submits the request.
- (h) A person requesting self-exclusion under this chapter shall be required to have a photograph taken by the Board, or agent thereof, upon the Board's acceptance of the request to be on the list.

§ 503a.3. Self-exclusion list.

- (a) The Board will maintain the official self-exclusion list and notify each slot machine licensee of additions to or deletions from the list within 5 business days of the verification of the information received under § 503a.2 (relating to request for self-exclusion) by first class mail or by transmitting the self-exclusion list electronically directly to each slot machine licensee.
- (b) The notice provided to slot machine licensees by the Board will include the following information concerning a person who has been added to the self-exclusion list:
 - (1) Name, including any aliases or nicknames.
 - (2) Date of birth.
 - (3) Address of current residence.
 - (4) Telephone number.
 - (5) Social Security number, when voluntarily provided by the person requesting self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C. § 552a).
 - (6) Physical description of the person, including height, weight, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.
 - (7) A copy of the photograph taken by the Board under § 503a.2(i).
- (c) The notice provided to slot machine licensees by the Board concerning a person whose name has been removed from the self-exclusion list will include the name and date of birth of the person.
- (d) A slot machine licensee shall maintain a copy of the self-exclusion list and establish procedures to ensure that the copy of the self-exclusion list is updated and that all appropriate employees and agents of the slot machine licensee are notified of any addition to or deletion from the list within 5 business days after the day notice is mailed to each slot machine licensee or transmitted electronically under subsection (a).

- (e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.
- (f) Slot machine licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion to anyone other than employees and agents of the slot machine licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a slot machine licensee may disclose the identity of a self-excluded person to appropriate employees of other slot machine licensees in this Commonwealth or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.
- (g) A self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's self-exclusion list.
- (h) Winnings incurred by a self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.
- (i) For the purposes of this section, winnings issued to, found on or about, or redeemed by a self-excluded person shall be presumed to constitute winnings subject to remittance to the Board.

§ 503a.4. Duties of slot machine licensees.

- (a) A slot machine licensee shall train its employees and establish procedures that are designed to:
 - (1) Identify a self-excluded person when present in a licensed facility and, upon identification, immediately notify the following persons:
 - (i) Employees of the slot machine licensee whose duties include the identification and removal of self-excluded persons.
 - (ii) BIE agents at the licensed facility.
 - (2) Immediately notify the Pennsylvania State Police when a self-excluded person is discovered on the gaming floor or engaging in gaming activities.
 - (3) Refuse wagers from and deny gaming privileges to a self-excluded person.
 - (4) Deny check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to a self-excluded person.
 - (5) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).
 - (6) Comply with § 503a.3(d) (relating to self-exclusion list).
 - (7) Disseminate written materials to patrons explaining the self-exclusion program.
- (b) A slot machine licensee shall submit a copy of its procedures and training materials established under subsection (a) to the Director of OCPG for review and approval at least 30 days prior to initiation of gaming activities at the licensed facility. The slot machine licensee will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the procedures and training.

- (c) A slot machine licensee shall submit amendments to the procedures and training materials required under subsection (b) to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on the 30th calendar day following the filing of the amendments unless the slot machine licensee receives a notice under subsection (d) objecting to the amendments.
- (d) If during the 30-day review period the Director of OCPG determines that the amendments to the procedures and training materials may not promote the prevention of gaming by self-excluded individuals or assist in the proper administration of the self-exclusion program, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:
 - (1) Specify the nature of the objection and, when possible, an acceptable alternative.
 - (2) Direct that the amendments not be implemented until approved by the Director of OCPG.
- (e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments within 30 days of receipt of the written notice from the Director of OCPG. The slot machine licensee may implement the amendments on the 30th calendar day following the filing of the revisions unless it receives written notice under subsection (d) objecting to the amendments.
- (f) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor or engaging in gaming activities. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).
- (g) The list of self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.
- (h) Under section 1516 of the act (relating to list of persons self excluded from gaming activities), slot machine licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:
 - (1) Failure to withhold gaming privileges from or restore gaming privileges to a self-excluded person.
 - (2) Permitting or not permitting a self-excluded person to gamble.
 - (3) Good faith disclosure of the identity of a self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.
- (i) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor or engaging in gaming activities to the Director of OCPG within 24 hours.

§ 503a.5. Removal from self-exclusion list.

- (a) A self-excluded person may, upon the expiration of the period of self-exclusion, request removal of the person's name from the self-exclusion list by submitting a completed request for removal as required by subsections (b) and (c). The submission may be made by scheduling an appointment at the Board's Harrisburg office or one of the Board's other offices. To make an appointment, a person may contact the OCPG at (717) 346-8300.
- (b) A request for removal from the self-exclusion list must include:
 - (i) The identifying information specified in § 503a.2(b)(1)–(6) (relating to request for self-exclusion).

- (ii) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities.”

- (c) A person submitting a request for removal from the self-exclusion list shall be required to present a valid government-issued photo identification containing the person’s signature when the request is submitted. No sooner than 5 business days after the request is submitted, the person submitting the request shall:
 - (1) Return to the Board office where the request was filed.
 - (2) Present a valid government-issued photo identification containing the person’s signature.
 - (3) Sign the request a second time.
- (d) Within 5 business days after the request is signed for a second time, the Board will delete the name of the person requesting removal from the self-exclusion list and notify each slot machine licensee of the removal.

§ 503a.6. Exceptions to the prohibition from being on the gaming floor for individuals on the self-exclusion list.

The prohibition against allowing self-excluded persons to be on the gaming floor does not apply to an individual who is on the self-exclusion list if all of the following apply:

- (1) The individual is carrying out the duties of employment or incidental activities related to employment.
- (2) The slot machine licensee’s security department and the Board’s office located at the licensed facility have received prior notice.
- (3) Access to the gaming floor is limited to the time necessary to complete the individual’s assigned duties.
- (4) The individual does not otherwise engage in any gaming activities.

Miscellaneous

CHAPTER 513. (Reserved)

§§ 513.1—513.5. (Reserved).

CHAPTER 513a. UNDERAGE GAMING

Sec.

513a.1. Definitions.

513a.2. Exclusion requirements.

513a.3. Responsibilities of licensees, permittees, registrants and certificationholders.

513a.4. Signage requirements.

513a.5. Enforcement.

§ 513a.1. Definitions.

The following words and phrases, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

FULLY EXECUTED GAMING TRANSACTION — An activity involving a slot machine or associated equipment which occurs on the gaming floor of a licensed facility and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

OCPG—The Office of Compulsive and Problem Gambling.

WINNINGS — Any money or thing of value received from, or owed by a slot machine licensee as a result of a fully executed gaming transaction.

§ 513a.2. Exclusion requirements.

- (a) An individual under 18 years of age may not enter or be on the gaming floor of a licensed facility.
- (b) An individual under 21 years of age, whether personally or through an agent, may not operate, use, play or place a wager on, a slot machine in a licensed facility.
- (c) An individual under 21 years of age may not receive check cashing privileges, be rated as a player, or receive any complimentary service, item or discount as a result of, or in anticipation of, gaming activity.
- (d) An individual under 21 years of age may not collect in any manner or in any proceeding, whether personally or through an agent, winnings or recover losses arising as a result of any gaming activity.
- (e) Winnings incurred by an individual under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs of the Board.
- (f) For the purposes of this section, winnings issued to, found on or about or redeemed by an individual under 21 years of age shall be presumed to constitute winnings and be subject to remittance to the Board.

§ 513a.3. Responsibilities of licensees, permittees, registrants and certification holders.

- (a) A person holding a license, permit, certification or registration issued by the Board is prohibited from permitting or enabling an individual to engage in conduct that violates § 513a.2(a), (b), (c) or (d) (relating to exclusion requirements).
- (b) Slot machine licensees shall establish procedures that are designed to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the licensed facility. A slot machine licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The slot machine licensee may not commence operations until the Director of OCPG approves its procedures. Amendments to these procedures must be submitted to and approved by the Director of OCPG prior to implementation.
- (c) A slot machine licensee may be subject to Board imposed administrative sanctions if a person engages in conduct that violates § 513a.2(a), (b), (c) or (d) at its licensed facility. Under § 513a.2(e), winnings obtained by a slot machine licensee from or held on account of a person under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs of the Board.
- (d) A person holding a license, permit, registration or certification issued by the Board who violates a provision of this chapter may be held jointly or severally liable for the violation.

§ 513a.4. Signage requirements.

A slot machine licensee shall post signs that include a statement that is similar to the following: “It is unlawful for any person under 21 years of age to engage in any gaming activities. Individuals violating this prohibition will be removed and may be subject to arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass).” The complete text of the sign shall be submitted to and approved by the Director of OCPG as part of the procedures required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certificateholders). The signs shall be prominently posted within 50 feet of each entrance and exit of the gaming floor.

§ 513a.5. Enforcement.

In a prosecution or other proceeding against a person for a violation of this chapter, it will not be a defense that the person believed an individual to be 21 years of age or older.



RHODE ISLAND STATUTES

There are currently no responsible gaming statutes in Rhode Island.



RHODE ISLAND REGULATIONS

There are currently no responsible gaming regulations in Rhode Island.

SOUTH DAKOTA STATUTES

Chapter 42-7B: Limited Card Games and Slot Machines – Gaming Commission

Funding/Revenue Sharing

Section 48.3: Gaming addiction treatment and counseling program grants from Gaming Commission fund.

The commission may grant an amount not to exceed thirty thousand dollars each fiscal year from the Gaming Commission fund to the Department of Human Services to fund gaming addiction treatment and counseling programs in the state.

Source: SL 2006, ch 222, § 1.

SOUTH DAKOTA REGULATIONS

There are currently no responsible gaming regulations in South Dakota.



Signage/Help Line/Advertising

§179-5-11. Additional Video Lottery Hardware and Software Specifications Not Found in W. Va. Code §§29-22B-901 Through 912.

- 11.4. The commission shall provide a label for each video lottery prominently displaying information on how to locate and contact persons or organizations available for help, assistance or treatment for persons who may have a gambling addiction, together with the telephone number “1-800-GAMBLER” or another help line telephone number that the commission may later choose.
- 11.4.a. Each limited video lottery retailer shall conspicuously post the following printed statement provided by the commission in at least 24-pitch type size: “CAUTION “Gambling and playing this machine can be hazardous to your health, your finances, and your future.”



There currently are no responsible gaming regulations in West Virginia.

AGE RESTRICTIONS IN COMMERCIAL CASINO STATES

Prevention of underage gambling is an issue that the commercial casino industry takes very seriously, and should be an important part of any responsible gaming initiative. The following chart outlines restrictions concerning minimum age to place a bet and the minimum age to be on the casino floor in the 20 states included in this publication.

State	Minimum Age To Bet	Minimum Age To Be on Gaming Floor ¹
Colorado	21	21
Delaware	21	No legal restriction
Florida	21 ²	21 ²
Illinois	21	21
Indiana	21	21
Iowa	21	21
Louisiana	21	21
Maine	21	21
Michigan	21	21
Mississippi	21	21
Missouri	21	21
Nevada	21	21
New Jersey	21	21
New Mexico	21	21
New York	18	18
Oklahoma	18	18
Pennsylvania	21	21
Rhode Island	18	18
South Dakota	21	No legal restriction
West Virginia	21	21

¹This does not include brief gaming floor access that some casinos grant to minors on their way to restaurants or other non-gaming facilities.

²Different at pari-mutuel facilities and card rooms.

Source: State regulatory agencies and gaming associations.

APPENDIX

ALCOHOL SERVICE REGULATIONS IN COMMERCIAL CASINO STATES

The commercial casino industry feels very strongly that responsible alcohol service is an important component of any responsible gaming initiative. The following charts outline alcohol service and possession regulations in the 20 states included in this publication.

STATUTES AND REGULATIONS CONCERNING POSSESSION OF ALCOHOL BY MINORS¹

	CO	DE	FL	IL	IN	IA	LA ²	ME	MI	MS ³	MO	NV	NJ	NM	NY	OK	PA	RI	SD	WV
Possession Prohibited if Under 21	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

¹Some of these states make exceptions, mostly applying to situations in which a family member consents or is present, the minor is in a private location, or there is specific justification (e.g. a religious, educational, or medical purpose). However, separate laws concerning the consumption and purchase of alcohol by minors, and the furnishing of alcohol to minors, may also apply. Louisiana and Mississippi are the only commercial casino states in which a business may furnish alcohol for public consumption to a minor without specific justification.

²In Louisiana, minors who are at least 18 years old may consume alcohol in an alcoholic beverage outlet if accompanied by a parent, spouse, or legal guardian.

³In Mississippi, a business may serve beer to minors who are at least 18 years old and accompanied by a parent.

STATUTES AND REGULATIONS CONCERNING THE SERVICE OF ALCOHOL BY MINORS⁴

	CO ⁵	DE	FL	IL	IN ⁵	IA	LA	ME ⁵	MI	MS	MO	NV	NJ	NM	NY	OK	PA	RI	SD ⁵	WV ⁵
Minimum Age to Serve Alcohol	18	19	18	18	19	18	18	17	18	18	18	21	18	19	18	18	18	18	18	18
Minimum Age to Bartend	18	21	18	18	21	18	18	17	18	21	21	21	18	21	18	21	18	18	21	18

⁴It is important to note that in some of the states that allow minors to serve alcohol or to bartend, certain conditions apply in addition to the age requirement. Generally, these conditions limit alcohol service by minors to specific types of establishments or certain areas within establishments.

⁵In these states, a manager or supervisor must be present for a minor to serve alcohol or, if applicable, to bartend.

Sources: The Alcohol Policy Information System, the Mississippi Office of Alcoholic Beverage Control, and the Louisiana Office of Alcohol and Tobacco Control.



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